United Nations A/62/827–S/2008/298

General Assembly
Security Council

Distr.: General
7 May 2008

Original: English

**General Assembly**
**Sixty-second session**
Agenda item 16
**Protracted conflicts in the GUAM area and their implications for international peace, security and development**

**Security Council**
**Sixty-third year**

## Identical letters dated 1 May 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith the joint statement of the Presidents of Ukraine and Georgia dated 30 April 2008 (annex I), the statement of the Ministry of Foreign Affairs of Georgia on increasing the number of peacekeepers in Abkhazia, Georgia dated 29 April 2008 (annex II) and the statement of the Ministry of Foreign Affairs of Georgia dated 30 April 2008 (annex III).

I should be grateful if the present letter and its annexes could be circulated as a document of the General Assembly under agenda item 16, and of the Security Council.

(*Signed*) Irakli **Alasania**
Ambassador, Permanent Representative

08-32992 (E) 080508

## Annex I to the identical letters dated 1 May 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

## Joint statement of the Presidents of Ukraine and Georgia

30 April 2008

The Presidents of Ukraine and Georgia discussed the existing situation in terms of resolution of the conflicts in Abkhazia, Georgia, and the Tskhinvali Region, Georgia. They expressed their concern over the Russian Federation's attempts to call into question the territorial integrity of Georgia by elevating the status of relations with Abkhazia and South Ossetia. Thus the self-recognized republics are in fact encouraged to secede from Georgia.

Ukraine and Georgia condemn the recent statements of Russian officials on the possible use by Russia of "military means" for the protection of its own citizens in Abkhazia. It can be interpreted as nothing but a threat of the use of force, which represents an open provocation against Georgia.

Ukraine and Georgia reaffirm that resolution of the Georgian-Abkhaz and Georgian-South Ossetian conflicts is possible exclusively through peaceful means, in the framework of resolutions of the United Nations Security Council, in particular, Security Council resolution 1808 (2008) of 15 April 2008. These resolutions call on the United Nations Member States to respect the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders.

The Russian Federation's recent decisions prevent the implementation of these principles, create added tension and undermine efforts towards the establishment of peace in the region, in which Russia itself participates. Ukraine and Georgia call on the Russian Federation to refuse to implement the announced plans with respect to Abkhazia and South Ossetia. Ukraine is ready to consider the issue of its participation in the peacekeeping operations together with other parties concerned.

Ukraine supports the new initiative of the President of Georgia directed towards peaceful resolution of the Georgian-Abkhaz conflict and relies on a constructive response of the Abkhaz side.

## Annex II to the identical letters dated 1 May 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

### Statement of the Ministry of Foreign Affairs of Georgia

29 April 2008

Today the Russian Federation took yet another irresponsible and provocative step by unilaterally increasing the number of so-called peacekeepers in Abkhazia, Georgia, without seeking the prior approval and consent of the Georgian Government.

The Government of Georgia strongly condemned this act of aggression disguised as a peacekeeping operation.

The Georgian State border at the River Psou was violated when armoured vehicles, heavy artillery and additional military units entered the territory. The scale of this provocation was made evident by a statement of the Ministry of Defence of the Russian Federation (29 April 2008) according to which 15 new checkpoints have been opened on the administrative border of Abkhazia, Georgia, without Government of Georgia permission.

Georgia has consistently drawn the attention of the international community to the destabilizing role of the Russian military contingent in the conflict zones. Today's large-scale military build-up in Abkhazia, Georgia, represents yet another act of aggression and dangerous new step by the Russian Federation that increases the risk of escalation of the conflict, and threatens peace and security in the whole region.

Georgia appeals to the international community and international organizations, including members of the Group of Friends of the Secretary-General, to take urgent and firm actions to stop the military aggression of the Russian Federation against Georgia.

## Annex III to the identical letters dated 1 May 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

### Statement of the Ministry of Foreign Affairs of Georgia

30 April 2008

The Ministry of Foreign Affairs and the Ministry of Defence of the Russian Federation issued statements on 29 April 2008 warning that the Russian Federation will increase the contingent of the collective peacekeeping forces in Abkhazia, Georgia.

Georgia has repeatedly emphasized that Russia's armed contingent is a major factor of destabilization in the conflict zones. Build-up of Russian troops in Abkhazia, Georgia, involves an extremely dangerous provocation, which increases the risk of escalation to an alarming extent and poses a serious threat to international peace and security.

Georgia maintains that Russia's deployment of additional troops on the territory of Abkhazia under the guise of CIS collective peacekeeping forces contradicts the decisions adopted within the CIS framework and the universally recognized norms and principles of international law.

The status and the scope of competences of the collective peacekeeping forces are regulated by the 22 August 1994 decision of the CIS Council of Heads of State. The first paragraph of this decision stipulates that the "plan on deployment of collective forces shall be agreed in accordance with the 1994 Moscow Agreement on Ceasefire and Separation of Forces". The Moscow Agreement is based on commitments that are in line with the universally recognized principles of international law and reflected in established practice for peacekeeping operations, which specify that a peacekeeping operation may take place exclusively with the consent of a State concerned. This consent implies not only general acceptance of the operation but also approval for the implementation of distinct actions within the mandate, for which such consent of a sovereign State is a sine qua non. This is in keeping with the Charter of the United Nations and the principles of sovereign equality of States, territorial integrity of States, inviolability of borders and non-interference in the internal affairs of States.

It is with due consideration of the foregoing that the 22 August 1994 decision of the CIS Council of Heads of State and the 1994 Moscow Agreement on Ceasefire and Separation of Forces determine the mandate of peacekeepers and the geographical area of their operation. The Moscow Agreement, in particular its article 2 (f), and the protocol thereto, clearly define the territory where peacekeepers enjoy freedom of movement. In all other cases, respectively, any movement of peacekeepers as well as the setting up of an additional number of checkpoints and deployment of contingent requires Georgia's consent. The stationing of an armed contingent on the territory of Abkhazia under the mandate of collective peacekeeping forces, without the consent of Georgia, will hence be considered an infringement of Georgia's territorial integrity and sovereignty and interference in its internal affairs.

The arguments provided by the Russian side to justify the need for increasing its contingent are totally baseless given that the Georgian side complies unequivocally with its commitments and the actions undertaken by it are in full compliance with international law and the 17 May 1994 Moscow Agreement on Ceasefire and Separation of Forces. Russia's use of such arguments for deploying additional troops suggests that the Russian Federation is being transformed into a party to the conflict and its actions, rather than contributing to the maintenance of peace and stability in the region, represent an infringement of the sovereignty of the neighbouring State.

The Georgian side urges the Russian Federation to abstain from taking such actions. Otherwise these steps will be assessed as an act of aggression and a gross violation of the fundamental principles of international law.

United Nations A/62/830–S/2008/299

General Assembly
Security Council

Distr.: General
6 May 2008

Original: English

**General Assembly**
**Sixty-second session**
Agenda item 16
**Protracted conflicts in the GUAM area and their implications for international peace, security and development**

**Security Council**
**Sixty-third year**

## Identical letters dated 5 May 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit the attached Statements of the Ministry for Foreign Affairs of Georgia, dated 4 and 5 May 2008 (see annex, enclosures 1 and 2).

I should be grateful if the present letter and its annex were to be circulated as a document of the General Assembly, under agenda item 16, and of the Security Council.

(*Signed*) Irakli **Alasania**
Permanent Representative

08-32937 (E) 120508

## Annex to the identical letters dated 5 May 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

**Enclosure 1**

**Statement of the Ministry for Foreign Affairs of Georgia**

The Information and Press Department of the Russian Foreign Ministry issued a press release, which, based on information provided by Sokhumi, claims that two Georgian unmanned reconnaissance drones were allegedly downed by the air defence systems of the separatist regime's illegal armed units in the security zone, on 4 May 2008.

The Ministry for Foreign Affairs of Georgia declares with full responsibility that the above-mentioned "information" is yet another provocation of the Russian Federation, which aims at facilitating its military intervention by providing information and propaganda support.

The Ministry for Foreign Affairs of Georgia would like to focus the international community's attention on the fact that the Russian Foreign Ministry acknowledged, in its above-mentioned press release, the presence of the separatists' air defence systems in the security zone and moreover, qualified as lawful their attack on Georgia's unmanned air vehicle. It indicates clearly that the Russian Federation's so-called peacekeeping operation conducted under the umbrella of the Commonwealth of Independent States has evolved into a complete fiction and can be seen as nothing but an open military aggression against Georgia aimed at annexing a part of its internationally recognized sovereign territory.

Unarmed unmanned air vehicles of the Georgian Ministry of Internal Affairs always used to fly, still fly and will continue to do so in Georgia's sovereign airspace in order to obtain full information on military intervention of the Russian Federation.

The Russian Federation's attempt to restrict, through so-called peacekeeping troops, Georgia's sovereign right to exercise control over its own airspace is directed at an escalation of the conflict and threatens international peace and security.

Tbilisi, 4 May 2008

**Enclosure 2**

**Statement of the Ministry for Foreign Affairs of Georgia**

On 4 May 2008, the Ministry for Foreign Affairs of the Russian Federation circulated a piece of misinformation which claims that two Georgian unmanned reconnaissance aerial vehicles (UAVs) were allegedly shot down by "air defence systems" of the separatist regime in the security zone. On the same day the Ministry for Foreign Affairs of Georgia made an official statement in which it pointed out that the aforesaid information was yet another provocation aimed at facilitating military intervention by the Russian Federation by providing information and propaganda support. In their official statements, the Ministries of Internal Affairs and Defence of Georgia flatly denied the above "information" as well.

On 5 May 2008, the Ministry for Foreign Affairs of Georgia addressed the Special Representative of the Secretary-General of the United Nations for Georgia, Mr. Jean Arnault. The Georgian side strongly urged the Special Representative of the Secretary-General and the United Nations Observer Mission in Georgia to immediately institute an investigation regarding the presence and utilization of "air defence systems" by the Abkhaz separatists in the security zone and to inform the international community about the results of the investigation in the shortest possible time.

On 5 May 2008, the Georgian side transmitted a note to the Russian side concerning Georgia's withdrawal from the agreement of 19 April 1995 on cooperation between the Ministry of Defence of Georgia and the Ministry of Defence of the Russian Federation in the anti-aircraft defence sphere.

Tbilisi, 5 May 2008

United Nations S/2008/300

Security Council

Distr.: General
7 May 2008

Original: English

## Letter dated 6 May 2008 from the Secretary-General to the President of the Security Council

Pursuant to Security Council resolution 1031 (1995), I have the honour to convey the attached letter, dated 30 April 2008, which I received from the High Representative for Bosnia and Herzegovina (see annex), transmitting the thirty-third report on the implementation of the Peace Agreement, covering the period from 1 October 2007 to 31 March 2008.

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

08-32571 (E) 090508

## Annex

### Letter dated 30 April 2008 from the High Representative for Bosnia and Herzegovina and European Union Special Representative to the Secretary-General

Pursuant to Security Council resolution 1031 (1995), in which the Council requested the Secretary-General to submit to it reports from the High Representative in accordance with annex 10 of the General Framework Agreement for Peace in Bosnia and Herzegovina and the conclusions of the London Peace Implementation Conference of 8 and 9 December 1995, I herewith present to you the thirty-third report (see enclosure). I would ask for this report to be distributed to the members of the Security Council for their consideration.

This is my second report to the Secretary-General since assuming the office of the High Representative for Bosnia and Herzegovina (and European Union Special Representative) on 2 July 2007. The present report covers the period from 1 October 2007 to 31 March 2008.

Should you or any Council member require any information beyond what is offered in the attached report or have any questions regarding its contents, I should be pleased to provide further information.

(*Signed*) Miroslav **Lajčák**
High Representative and European Union Special Representative
in Bosnia and Herzegovina

## Enclosure

# Thirty-third report of the High Representative for Bosnia and Herzegovina

**1 October 2007-31 March 2008**

*Summary*

This report covers the period from October 2007 to March 2008. During these six months Bosnia and Herzegovina made important progress on the reforms required for it to integrate into Euro-Atlantic institutions. Although a political agreement among the ruling parties on police reforms proved sufficient to permit the European Union to initial a Stabilization and Association Agreement with Bosnia and Herzegovina in December — and so to defuse a looming crisis of government at State level — the same parties proved unable to translate their agreement into the legislation required for the country actually to sign a Stabilization and Association Agreement until 16 April, when they finally adopted the two police reform laws. These delays disappointed the vast majority of the citizens of Bosnia and Herzegovina, who wish to see real movement towards European Union accession. It also illustrated the extent to which the country's politics remain divisive, confrontational and self-defeating. Elsewhere, an agreement late in March among the State and entity governments on moveable defence property resulted in Bosnia and Herzegovina securing "intensified dialogue" towards a membership action plan at the NATO summit in Bucharest early in April.

The conjunction of continuing domestic political stalemate with mounting regional uncertainty in the run-up to and immediate aftermath of Kosovo's declaration of independence made it impossible for the Steering Board of the Peace Implementation Council to confirm the closure of my office in June 2008. The Peace Implementation Council thus decided late in February that the Office of the High Representative should continue until such time as the domestic authorities deliver on five long-standing objectives and two conditions are met. The preconditions are that Bosnia and Herzegovina should have signed a Stabilization and Association Agreement and that the political and security situation in the country and neighbourhood should be stable.

The Steering Board's declaration of 27 February is attached as an annex to this report. It makes the point once more that I must continue to exercise my mandate and powers as High Representative in order to ensure full respect for the Dayton Peace Agreement. I will also continue to do my utmost to help to overcome the challenges still facing Bosnia and Herzegovina and to facilitate steps that can contribute to the country's peace, progress and stability.

# I. Introduction

1. This is my second report to the Secretary-General since assuming the office of High Representative for Bosnia and Herzegovina and European Union Special Representative on 2 July 2007. It is the first to deal solely with my own time in office. As has been the norm, the report assesses progress made towards attaining the goals outlined in previous reports, reviews developments during the reporting period, and provides my assessment of mandate implementation in the more important areas. However, the decision of the Steering Board of the Peace Implementation Council in February to set five objectives and two conditions that must be achieved or met before the Office of the High Representative can transition into an Office of a European Union Special Representative implies a focused approach. While the workplan of my predecessor will continue to inform the work of my office, our priority will now be to attain the objectives and to ensure the conditions identified by the Peace Implementation Council are met. As a consequence, I have not included the section of this report normally devoted to assessing progress on the workplan.

# II. Political update

**General political environment**

2. October and November 2007 saw a period of political turbulence, when politicians from Republika Srpska sought to defy and overturn decisions I had made on 19 October that aimed to streamline decision-making procedures in the State-level Council of Ministers and Parliamentary Assembly. The situation was resolved only after intense negotiations between myself and party leaders, which led to agreed amendments to voting procedures in the Parliament and Council of Ministers of Bosnia and Herzegovina.

3. Despite the negative political atmosphere, the leaders of the six governing parties were nonetheless able to strike agreements on police reforms to be conducted in two stages. Those agreements opened the way for the initialling of the Stabilization and Association Agreement with the European Union on 4 December.

4. In the meantime, however, the resignation on 1 November of the Chairman of the Council of Ministers, which turned his government into a caretaker administration until it was reconfirmed by parliament late in February, meant that there was little progress on other elements of the reform agenda. In fact, stagnation prevailed through March 2008.

5. On 26 January 2008 the leadership of the Republika Srpska ruling party, the Alliance of Independent Social Democrats (SNSD), adopted conclusions that called for the transformation of Bosnia and Herzegovina into an asymmetric federation (or confederation) and claimed the right, supposedly based on the Charter of the United Nations, to self-determination up to and including secession for the entity. This was clearly a warning shot fired in anticipation of Kosovo's unilateral declaration of independence on 17 February. The Republika Srpska National Assembly duly confirmed this link when it passed a resolution on 21 February condemning the illegality of Kosovo's unilateral declaration of independence, demanding that Bosnia and Herzegovina not recognize it, and excoriating those countries that had

done so. It went on to state that the Republika Srpska "... would consider that it too possessed the right to establish its future legal status by means of a referendum".

6. I immediately reacted to this in a public statement, noting that I was deeply concerned by the adoption of this resolution by the Republika Srpska National Assembly, and stressing that Bosnia and Herzegovina is an internationally recognized State whose sovereignty and territorial integrity is guaranteed by the Dayton Peace Agreement. Entities of Bosnia and Herzegovina have no right to secede. In its declaration of 27 February, the Steering Board of the Peace Implementation Council made clear its position when it expressed deep concern with regard to official calls for secession. It strongly emphasized that under the Dayton Peace Agreement "one entity has no right to secede from Bosnia and Herzegovina".

7. In a separate development, the largest Bosniak party, the Party of Democratic Action (SDA), repudiated its previous acceptance of the inter-party agreements envisaging a two-stage reform of the country's police. The SDA representative on the working group established by the Council of Ministers to draft the requisite legislation sought throughout to change its terms of reference. When this failed, the party president, Sulejman Tihic, announced early in February that SDA would not support the legislation emerging from the working group. It became clear in subsequent discussions with SDA that Mr. Tihic had reneged on his commitments under the Mostar Declaration because he feared that agreement implied an implicit recognition of the Republika Srpska, something he and his party seem unwilling to do ahead of any negotiations on constitutional reform. The police-reform laws were thus destined to have a difficult passage through parliament; and so it proved, with a number of failures before the breakthrough on 16 April.

8. With the police reform laws adopted and the Stabilization and Association Agreement due to be signed in fairly short order, a key factor will be the degree to which the Stabilization and Association Agreement will improve the political atmosphere and restart reforms. But inter-party and inter-communal tensions remain fraught, especially as 2008 is an election year. The run-up to the municipal elections in October will spotlight the extent to which the effects of wartime "ethnic cleansing" endure. The likelihood that ever fewer voters will choose to cast their ballots in the towns and villages in which they lived before the war also means that fewer members of "minority" communities will win seats on municipal councils. Given its moral and symbolic significance for Bosniaks, Srebrenica will be a particular flashpoint. Demands are already being heard that the town should have a special electoral regime that would guarantee seats and a share in power for Bosniak councillors.

9. The Office of the High Representative continued to work towards its earliest possible closure. The Steering Board discussed the future policy of the international community towards Bosnia and Herzegovina and the deteriorating political situation in the country at its meeting held on 26 and 27 February. It was a major achievement that all members were able to agree on a transition strategy. This preserved the unity of the international community around a transition strategy based on five objectives and two conditions that have to be achieved by the Bosnia and Herzegovina authorities before there can be a transition from the Office of the High Representative to a European Union Special Representative.

The five objectives are:

- Resolution of State property
- Resolution of defence property
- Completion of the Brcko Final Award
- Fiscal sustainability of the State
- Entrenchment of the rule of law

In addition, the two conditions are that:

- The Stabilization and Association Agreement must be signed
- There must be a positive assessment of the situation in Bosnia and Herzegovina by the Peace Implementation Council

**Constitutional reform**

10. Many of the country's political parties have been busy developing their constitutional reform platforms and proposals. The initialling of the Stabilization and Association Agreement with the European Union on 4 December, based on the assumption that both police reform legislation and a full Stabilization and Association Agreement would quickly follow, stimulated Croat and Serb party leaders, in particular, also to assume that the political focus would now shift to tackling the issue of constitutional reform. Not only did neither happen during the reporting period, but the constitutional models that were published or sketched out were at such wide variance with one another that the entire issue became a renewed battleground among the ruling coalition. The party leaders therefore decided at a meeting in Siroki Brijeg on 2 February to concentrate on police reform and to postpone any discussions on the process or scope of constitutional reform until after the signing of the Stabilization and Association Agreement.

11. Despite continuing efforts to coordinate and articulate a single position on the basis of the principles outlined in their Kresevo Declaration of September 2007, the Croat-dominated parties have not achieved a unified stance on constitutional reform. The two incarnations of the Croat Democratic Union (HDZ BiH and HDZ 1990) have been most proactive in developing and presenting their proposals. The HDZ 1990 came forward on 10 November, advocating a federal model for Bosnia and Herzegovina that would have "at least three units" with legislative, executive and judicial powers. Each would be multinational in population, but each would also provide one constituent people with a majority. The platform of 11 December of HDZ BiH endorsed the same model, but with four federal units, one being the greater Sarajevo metropolitan area. The smaller Croat parties, including HSS-NHI and HSP, opted instead for more mid-level units, which should not be formed according to exclusively national criteria. What remains unclear within the Croat camp is whether the internal reorganization of Bosnia and Herzegovina should be limited to adjusting the territorial set-up within the Federation or should also include — and change — the current boundaries of the Republika Srpska. The leaders of Republika Srpska have, of course, rejected the second option out of hand.

12. This stumbling block, combined with statements by the leader of HDZ BiH that were seen as accepting the territorial inviolability of the Republika Srpska, produced a change of tack by some of the Croat parties with regard to both

substance and process. Meeting on 14 March at the initiative of HDZ 1990, most leaders present agreed to and signed a statement calling for immediate changes to the entity constitutions and laws in order to ensure the equality of all three constituent peoples in each. HDZ BiH and the People's Party "Radom za Boljitak" did not sign the statement. Although the former assessed the statement as positive, it regretted the timing, which had caused the predominantly Bosniak and Serb parties immediately to reject any plan to start reforms with the entities rather than the State as a whole.

13. The Republika Srpska-based parties have made clear throughout that they are prepared to consider only constitutional changes that do not diminish the territorial integrity and competencies of the Republika Srpska as established at Dayton. Their preference is for an explicitly federal or confederal order in which the Republika Srpska, in its existing confines, would become one of the units. The Party of Democratic Progress argued in its proposal of 19 January that no reforms beyond those envisaged by the so-called April package of 2006 would be acceptable to them; and that any territorial reorganization of Bosnia and Herzegovina should apply only to the Federation. For its part, the Main Board of Alliance of SNSD concluded on 26 January that future federal or, in fact, confederal units should have the explicit right to self-determination, up to and including secession, as well as more State-like powers than the current entities.

14. Bosniak political leaders proved reluctant to discuss constitutional reform models in any detail. The President of SBiH, Haris Silajdzic, argued that this would be pointless until such time as Kosovo's final status was settled. Arguments over the scope of police reform have, in fact, become surrogates for the discussion of constitutional matters as far as they are concerned. Thus the common SDA-SBiH platform on constitutional reform that had been expected in 2007 did not materialize. The two parties do, however, share a preference for a "civic" Bosnia and Herzegovina composed of at least five multinational regions based on functional, economic, geographical, transport, historical and national (or ethnic) criteria.

15. Although constitutional reform remains essential if Bosnia and Herzegovina is to be a functional and sustainable State with real hope of joining the European Union any time soon, reaching any domestic consensus on the matter will prove extremely difficult so long as the domestic parties' conceptions remain both antithetical and non-negotiable. When a readiness to compromise emerges, it will still be necessary for the international community to help facilitate any potentially successful process.

## III. European partnership requirements

16. Hopes rose during the reporting period when new political agreements on police reform — the long-running and single most important precondition to signing a Stabilization and Association Agreement with the European Union — were deemed sufficient by Brussels early in December to permit at least the initialling of the agreement. However, it was not until 16 April that the requisite legislation was finally adopted.

**Police restructuring**

17. The leaders of the six parties comprising the ruling coalition at State level met in Mostar on 28 October 2007 and signed a Declaration on honouring the commitments for implementation of the police reform with the aim of initialling and signing the Stabilization and Association Agreement (Mostar Declaration). A month later they agreed to a two-phase Action Plan for its implementation. On 4 December, following the adoption of these documents by the Council of Ministers, the European Commission initialled a Stabilization and Association Agreement with Bosnia and Herzegovina. Actual signature, however, would depend upon the passage of the requisite legislation.

18. According to the Action Plan, the first phase of the reform requires that the Bosnia and Herzegovina Parliamentary Assembly enact laws establishing seven police-related bodies at State level by June 2008. The second phase, which will regulate subordinate policing levels as part of a single structure in line with the three European Union principles, is to be deferred until after constitutional reforms are in place. The Action Plan envisages that implementation of the second phase — the enactment of the relevant policing legislation — should be carried out within one year of the adoption of constitutional amendments defining the relative powers of the various units of government.

19. In December the Council of Ministers established a working group charged with drafting the laws required by the Mostar Declaration and Action Plan for the first phase of police reform. The working group met six times, from 18 December 2007 to 7 February 2008. The members could not achieve a consensus on a number of issues, principally because of the insistence by the SDA representative that the laws should give the State a degree of authority over the entity, cantonal and Brcko police forces. The majority of working group members contended that the relationship between the State and local levels of policing should be determined in the second phase, after constitutional reform.

20. The working group submitted two draft laws to the Council of Ministers in February 2008, the first providing for the establishment of a Directorate for Police Coordination and various police support agencies, and the second creating independent and oversight bodies. Because of the disagreements within the working group on the texts of the laws, written alternatives for — and tallies of the members' votes on — the disputed provisions were included. On 14 February, the Council of Ministers adopted, by majority vote, versions of the laws that did not contain the provisions backed by SDA and forwarded them to the Parliamentary Assembly.

21. Because of the opposition of SDA, SDP and SDS, the Parliamentary Assembly's Joint Committee on Defence and Security twice failed in March to produce positive reports on the laws. On the second occasion, on 20 March, the Collegium of the House of Representatives tried and failed to bypass the committee stage by putting the laws into urgent procedure because SNSD and SBiH could not agree on single texts embodying amendments demanded by the latter. The laws were not dead, but no harmonization of the texts that met the requirements of the five parties still favouring the laws was possible during the remainder of the month. However, on 11 April a compromise between SNSD and SBiH was reached that allowed the laws to be adopted on 16 April.

## IV. Entrenching the rule of law

22. The principal development during the reporting period was the decision in February of the Steering Board's Political Directors to single out "entrenchment of the rule of law" as one of the objectives to be delivered by the Bosnia and Herzegovina authorities before the transition from the Office of the High Representative could be effected. In particular, the Peace Implementation Council cited the need to demonstrate this entrenchment through the adoption of a national war crimes strategy, the adoption of the law on aliens and asylum, and the adoption of a national justice sector reform strategy.

### War crimes prosecution strategy

23. The working group led by the country's chief prosecutor held four meetings during the reporting period that aimed to determine the scope and contents of a national strategy on the prosecution of war crimes. A draft is expected by the end of April. The strategy should confirm current practice on case selection and prioritization. It could also put an end to the endless public discussions in Bosnia and Herzegovina of the number of war crime cases that remain to be tried. The agreement on a robust strategy should also serve to address public concerns over the efficacy of domestic judicial processes dealing with war crimes. The chief prosecutor's absence on sick leave has lately delayed the emergence of the draft strategy, but the recent appointment of a replacement to chair the working group indicates that the process is back on track towards producing a document on which concrete discussions and recommendations can be based. Given the decision of the Peace Implementation Council that the adoption of a war crimes strategy is one of the benchmarks for the closure of the Office of the High Representative, my office will be closely involved in helping ensure that Bosnia and Herzegovina has a relevant and effective plan.

### Adoption of the law on aliens and asylum

24. The Office of the High Representative has closely monitored the progress of the draft law on the residence and movement of aliens in the Bosnia and Herzegovina Parliamentary Assembly. It adopted the law on 16 April. The Office of the High Representative has also participated in the drafting of amendments to the Law on the Service for Foreigners' Affairs, worked on the establishment of an information system to control legal migration, monitored preparations for the opening of a detention centre for illegal migrants, and worked on the development of rules regulating the deportation of illegal migrants from Bosnia and Herzegovina.

### National justice sector reform strategy

25. By January 2008, the national justice sector reform strategy was ready for submission to and adoption by the Council of Ministers. At that point, however, the Republika Srpska Ministry of Justice sent in comments of a largely technical nature, but which served, collectively, to undermine the previously achieved agreement and, in effect, to degrade the strategy's State-wide scope. The Republika Srpska comments pointed to the maintenance of exclusive entity competency over judicial reform, denying the State's interest and depriving it of any harmonizing or coordinating role among the entities and Brcko District. Both the long and relatively successful engagement of the international community in justice sector reform, as

well as the more recent commitment of the Peace Implementation Council to push this issue forward, mean that the Office of the High Representative will need to work with other interested parties, particularly the Bosnia and Herzegovina Ministry of Justice, the Organization for Security and Cooperation in Europe and the United Kingdom Department for International Development, to forge a compromise that will ensure an acceptable and substantive strategy is adopted.

**Other rule of law issues**

26. As I noted in my previous report, the Office of the High Representative remains involved in supporting other aspects of justice sector reform. My office worked with international partners to draft amendments to the laws on the Border Police and the State Investigation and Protection Agency, as well as new laws on police officials at the State, entity, cantonal and Brcko District levels. The Office of the High Representative assisted the Bosnia and Herzegovina Security Ministry to review its internal organizational rulebook. Two national working groups, established following the brainstorming sessions the Office chaired in 2007, have now produced their recommendations. These propose the establishment of an Appellate Court of Bosnia and Herzegovina, but not the formation of satellite branches of the State Court to try war crimes cases. Rather, they argue for the reinforcement of the human capacity of the State Court's War Crimes Chamber. The project to build a State prison has also progressed. Sufficient funding was secured to allow construction to commence; and the Council of Europe Development Bank has committed itself to providing a loan to cover the shortfall. Finally, the Office of the High Representative continues to monitor other ongoing processes, including the transition by the State Court Registry to full domestic ownership. This is still anticipated to be complete by the end of 2009.

## V. Cooperation with the Tribunal

27. I continue to place a high priority on cooperation with the International Tribunal for the Former Yugoslavia. Since my last report, international forces and domestic law enforcement agencies have applied continuous pressure on and scrutiny over persons and networks suspected of supporting fugitives from the Tribunal. My office cooperates with and supports the activities conducted by the Tribunal, NATO, EUFOR, the Republika Srpska police, the Bosnia and Herzegovina Intelligence and Security Agency, and others involved in efforts to bring the four remaining fugitives to justice. This has resulted in greatly improved coordination and unity of effort, as well as more efficient use of our limited resources.

28. For its part, the Bosnia and Herzegovina Prosecutor's Office remains vigilant in its investigation of the financial assets of the support networks; and the Office of the High Representative will continue to back efforts to freeze the assets and to coordinate travel bans on individuals known to be part of those networks.

29. The arrest of the remaining fugitives — and of Mladic and Karadzic above all — would greatly improve the situation in Bosnia and Herzegovina. Not only would their arrests help bring closure for the families of victims, but it would also do much to remove the stigma attached to Republika Srpska and to improve inter-ethnic relations in the country. It would therefore be helpful if the relevant organs of the United Nations could find a way to ensure that Serbia meets its legal obligations

under both international and domestic law to arrest the fugitives and to close this sorry chapter of Balkan history.

30. Although the Office of the High Representative continues to press for progress on the case before the Human Rights Chamber relating to the disappearance of Colonel Avdo Palic in 1995, the Republika Srpska authorities have made no progress in locating his remains or in bringing his murderers to justice, as required by the Chamber's rulings. There has been a lack of cooperation on the part of Serbia, where the putative perpetrators and/or witnesses reside. The Office of the High Representative will continue to press for action on the Palic case, which, despite its longevity, remains under active investigation.

31. Our efforts to secure funding for hiring experienced staff to assist the Bosnia and Herzegovina Prosecutor's Office in the investigation of Srebrenica-related war crimes has resulted in an exceptionally generous response from international donors. Sufficient funds were pledged to permit four investigators and two legal assistants to be hired. Combined with the establishment of a field office in Srebrenica by the Bosnia and Herzegovina Prosecutor, I am confident we will begin to see progress in assuring Srebrenica survivors that their concerns for justice and, in some cases, their own security are being addressed.

32. I will continue to monitor all aspects of Tribunal-related activity in Bosnia and Herzegovina to ensure that our joint efforts contribute to the apprehension of key fugitives.

## VI. Reforming the economy

33. Accelerating inflation represented one of the biggest economic developments in Bosnia and Herzegovina during the fourth quarter of 2007. Prices rose by 2.1 per cent in October and by 1.1 per cent in both November and December. This rather sharp monthly price movement produced an annualized inflation rate of 4.9 per cent in December. Inflation was mainly caused by higher food prices and transport costs, the latter reflecting the rising price of imported oil derivatives. There is reason to believe, however, that the existing monetary regime, along with sound economic policy mechanisms, will help to limit inflationary trends. Nonetheless, the current account deficit continues to impede the Bosnia and Herzegovina economy. The trade deficit amounted to KM 2.1 billion in the third quarter of 2007, which was up by 16.2 per cent compared to the same period in 2006. Exports have increased by 12.6 per cent and imports by 15 per cent compared to 2006.

34. The fiscal position of Bosnia and Herzegovina in 2008 is likely to be positive, as the general government budget is expected to post a surplus thanks to strong revenue growth and delays in project implementation, particularly in the Federation and at State level. While both entities adopted their 2008 budgets in December 2007, the State budget was approved only in March 2008 — and after intense political disputes among the coalition parties about how much it could be increased and where any extra spending should go. This wrangling underlined once again the need for better fiscal coordination through the establishment of the National Fiscal Council.

35. On 16 October 2007, the Office of the High Representative organized an economic conference which, apart from reinitiating debate on the economic

problems and needs of Bosnia and Herzegovina, resulted in written commitments from the State and entity Prime Ministers and the Mayor of Brcko District to work on key reforms that have long been identified as central to the country's economic development and promotion as a potentially attractive destination for foreign investments. By signing a so-called platform for action, the Prime Ministers and Mayor pledged to pursue a number of reforms aimed at (1) improving fiscal coordination and stability; (2) creating a better business environment; and (3) promoting other reforms ensuring sustainable development. This document will serve as a basis for the Office of the High Representative — as well as for the international and business communities — to restart negotiations on a series of long-standing economic reform priorities, most of which are also venerable items on the mission implementation plan and workplan of the Office. The platform will also provide the basis for the country development strategy for 2008-2013 for Bosnia and Herzegovina. Of course, it remains to be seen if the action plan will help to deliver the political breakthroughs required to de-block laws on banking supervision, obligations and the National Fiscal Council.

36. Some progress has already been recorded. The Council of Ministers adopted the State-level Law on Pharmaceuticals and Medical Devices on 14 February. This law aims to create a single, regulated pharmaceutical market. It is now in parliamentary procedure. The Federation, for its part, has enacted both a Law on Profit Tax, which is in harmony with its Republika Srpska equivalent and will prevent double taxation, and a new Law on Income Tax, which should apply as from 1 January 2009. Finally, the Council of Ministers has lately endorsed and forwarded to parliament a draft Law on the National Fiscal Council. Once established, this body should ensure proper fiscal coordination and macroeconomic stability. Its formation is also one of the objectives set in February by the Steering Board as necessary before the transition from the Office of the High Representative. There had been no progress by the end of March on the other fiscal sustainability benchmark identified by the Peace Implementation Council: agreement on a permanent methodology for establishing the coefficients by which the Indirect Taxation Authority would distribute revenues.

## VII. Public administration reform

37. I reported in the last quarter of 2007 on positive developments regarding public administration reform, including the appointment of a new State-level coordinator and the signature of a memorandum of understanding on the public administration reform fund. Progress since then has been limited and uneven, and dogged by persistent political disagreements. Lack of progress on fundamental issues such as constitutional reform continues to slow down related reforms such as public administration reform, as do ongoing debates between local partners and international donors about the role of political appointees in senior civil service positions and the relationship between the State- and entity-level public administration reform processes.

38. My office is cooperating closely with the European Commission delegation and will continue to advise and assist the relevant authorities whenever possible to ensure that the public administration reform process can continue and that what has been achieved so far will not be undermined.

## VIII. Defence reform

39. After lengthy debates, senior State and entity ministers signed an agreement on the final disposal of all rights and obligations over movable defence property that will continue to serve defence purposes in Doboj on 27 March. The Minister of Defence also signed a list enumerating such moveable military property, breaking it down into categories (such as ammunition, weapons and explosives) for disposal. UNDP is to determine the total time that will be required and estimate the costs for disposing of the property that will not be sold or donated.

40. Resolution of the issue of immovable defence property (real estate) seems unlikely before there is a settlement of the overall dispute over the ownership of State property. Both issues figure among the core objectives that need to be achieved before the Office of the High Representative can transition into an Office of a European Union Special Representative.

41. The agreement on moveable defence property was sufficient, however, to win Bosnia and Herzegovina the status of "intensified dialogue" at the NATO summit in Bucharest early in April. Intensified dialogue means that contacts between Bosnia and Herzegovina, NATO and NATO member States will be stepped up to prepare the country for a membership action plan leading to eventual accession.

## IX. Intelligence reform

42. The State Intelligence and Security Agency retained its multi-ethnic cohesion despite the political turbulence in Bosnia and Herzegovina and the region during the reporting period. Operational work continued without interruption in the fields of organized crime, counter-terrorism and war crimes. The Agency's cooperation with global and regional partners also continued to grow in scope and depth. The committee responsible for parliamentary oversight of the Agency made significant progress, commencing both announced and unannounced inspections. A parliamentary working group established to review the law on the State Intelligence and Security Agency was due to complete its report shortly.

## X. European Union military mission in Bosnia and Herzegovina

43. EUFOR continued to provide a credible military force of some 2,500 personnel and retained the capability to bring in over-the-horizon reserves. EUFOR is headquartered in Sarajevo but has liaison and observation teams throughout the country. It should be noted that the presence of EUFOR on the ground provides the crucial reassurance that many in the country still feel is necessary. Given the current political environment, I welcome the fact that EUFOR retains the capacity to deploy troops throughout Bosnia and Herzegovina at short notice.

## XI. Return of refugees and displaced persons

44. The Bosnia and Herzegovina Ministry for Refugees and Human Rights has completed its consultations on a revision of the current strategy for the

implementation of annex VII of the Dayton Peace Agreement, the annex that guarantees to refugees and displaced persons the right to return home.

45. According to the latest figures from the Ministry, there are still 130,000 displaced persons in Bosnia and Herzegovina who aim to return to their pre-war homes. This does not mean that all of these people will indeed be able to return, as there are likely to be several objective reasons that rule this option out for many people, including the absence of employment opportunities, inadequate funds for rebuilding, and difficulties in accessing health and social services in their former places of residence.

46. Although the current draft strategy, to be finalized and adopted later in the year by the Council of Ministers, still focuses on facilitating people's return to their original homes, it will also emphasize the need to sustain those people who have already returned and to pay more attention than in the past to vulnerable groups who have not been able to take advantage of any return assistance projects. Unable to return, such persons are often still living in deplorable circumstances in collective centres. The strategy will make it a priority to offer them dignified and long-term living conditions. UNHCR, my office, and other international and domestic stakeholders have been actively involved in the drafting of the new strategy.

## XII. Mostar

47. The Mostar City Council adopted its 2008 budget in December 2007: the first time since unification in 2004 that a budget has been adopted on time. Previous years saw budgets enacted as late as June, with various political disputes blocking the process. The intervention of the Office of the High Representative was required in 2005 and 2006. The timely adoption of the 2008 budget reflects not only the maturity of the political parties in Mostar, but also the success of the unification process in overcoming many long-standing quarrels. The city has also made progress in establishing a unified public utility company, finally qualifying for a World Bank waste-management programme.

48. Despite this progress, all signs point to a divisive electoral campaign in advance of the October municipal elections, which will be only the second local elections since unification. All regular city business, including outstanding items on the unification agenda, will be on hold from June. This is likely to preclude the adoption of the Mostar Statute this year, a key goal in the unification process.

49. As part of the already-incipient electoral campaign, repeated calls by the main Croat parties for the constitutional reorganization of Bosnia and Herzegovina along federal (and explicitly ethnic) lines, which started with the HDZ 1990 party congress in November, have raised concerns among Bosniaks in Mostar that the Croats aim either to repartition the city or to claim it as their own.

50. At the level of the Herzegovina-Neretva Canton, seated in Mostar, no budget for the current year had been enacted by the end of March. Nor, after the passage of 18 months, had a replacement police commissioner been appointed. Bosniak and Croat politicians both aim to secure this key position for one of their own.

## XIII. Brcko District

51. Politics in Brcko District remained relatively stable over the reporting period. The District, however, cannot but be affected by the troubled political situation prevailing in the country as a whole. The District Statute, as amended in February 2007, smoothed the functioning of government institutions and has led to improved performance by and greater responsibility on the part of the government. However, coordination between the government and the majority coalition in the District Assembly remains unsatisfactory, and has not been improved by the prospect of elections in October. The economy is healthy and it keeps on attracting private businesses, including investments from outside the District and the country.

52. Efforts continued apace to ensure that the District will be able to "function effectively and apparently permanently" after the end of supervision. In order to provide for high quality, efficient, and safe utility services to Brcko District residences and businesses, the government completed the transfer of electricity, water, and waste water supply services from government departments to a new public utility company. The company commenced work on 1 January 2008. The Supervisor's office closely monitored and guided the transformation process. The public utility company has operated efficiently and transparently during its first three months.

53. A new Customs terminal was opened in Brcko Port on 7 March. The terminal conforms to European Union standards and represents an investment of approximately KM 3 million. It provides modern facilities within the port area that are of great significance for Customs operations for businesses within both the District and the entire region.

54. On 7 December 2007, the Brcko District Assembly adopted, for the first time in four years, a budget for the next year within the timeline stipulated by the Statute. The 2008 budget is once again balanced and financed from revenues collected within the District and allocations from the Indirect Taxation Authority. Another first, however, is that it includes a three-year capital development line.

55. The Supervisor issued an order on 31 January completing the process of harmonizing District legislation with the amended Statute. This entailed the enactment of a final set of 31 amendments on top of the nearly 70 laws and amendments he passed in June 2007.

56. One of the most important achievements of the District during the period was the Assembly's adoption on 27 March of the Law on Primary and Secondary Education. Brcko District has had the only truly multi-ethnic education system in Bosnia and Herzegovina since the Supervisor enacted the first education law in 2001, so fulfilling a requirement of the Final Award. After seven years in force, the law required modernization and harmonization in line with the European Partnership Programme, which will necessitate the rationalization of the school network by 2009 and higher standards of education for teachers by 2015. The development and adoption of the new law was difficult and time-consuming, but the fact that a wide array of governing and opposition parties voted for it testifies to the acceptance of an integrated educational system in the District that is often and rightly held up as a model for the rest of Bosnia and Herzegovina.

57. Brcko registered several other legislative achievements in the period, including the introduction of the first modern real-estate tax law in Bosnia and Herzegovina. A new concept for land ownership has been developed for consideration, while a new Law on Police Officials that supports systematic police reform throughout Bosnia and Herzegovina was adopted without difficulty. Filling a potentially dangerous legal gap, the Supervisor also provided for regulation of the insurance industry in the District and resolved a simmering problem of land conveyance for displaced persons in the Ilicka settlement.

58. On 15 February the Supervisor dismissed two policemen from positions in the Brcko District Police. The Supervisor acted after receiving multiple and substantiated reports of the two officers' official misconduct, serious breaches of duty, unprofessional behaviour, inadequate performance, and other actions that seriously undermined the effectiveness of the service. He was compelled to intervene when it became clear that the dismissals ordered by the police disciplinary boards could not be implemented soon enough to spare the District Police further harm.

59. In line with the objective set for Brcko by the Peace Implementation Council Steering Board, the Supervisor commenced exploratory discussions with political leaders about additions to the Bosnia and Herzegovina Constitution and a State law that would regulate relations among the District, State and entities in accordance with the Awards of the Arbitral Tribunal. At the time of writing, the discussions are ongoing, but remain subject to the broader political situation in Bosnia and Herzegovina.

## XIV. Bosnia and Herzegovina and the region

60. Bosnia and Herzegovina is uniquely vulnerable to political instability in the region. Not only do the domestic politics of Croatia, Montenegro and Serbia occasionally impact upon it, but Serbs, Croats and Bosniaks in Bosnia and Herzegovina all frequently identify with the aims and achievements, struggles and defeats, of their co-nationals across its borders.

61. The issue of Kosovo's future status continued to feature prominently in the country's political discourse during the period. The failure of the Troika process in December and the countdown to a unilateral declaration of independence in February led to a ratcheting up of rhetoric and concern on the part of Bosnia and Herzegovina Serbs, who share the general Serb identification of Kosovo with their faith, culture and nationhood, albeit to a lesser degree than in Serbia proper. The Prime Minister of Republika Srpska, Milorad Dodik, took part in many manifestations of Serb solidarity over Kosovo, but also usually argued that Kosovo's fate should not and need not have implications for — or produce disturbances in — Bosnia and Herzegovina. Although, as reported above, both his party and parliament ultimately sought to play the card of the alleged Kosovo "precedent", he maintained public order and did not support the more extreme manifestations of Serb anger over Kosovo's eventual declaration of independence and its recognition by many countries. Public demonstrations against Kosovo's independence in the Republika Srpska were relatively small in scale and the entity's police contained the violent impulses of young hooligans relatively easily, although minor damage was inflicted on some diplomatic offices in Banja Luka.

62. What did afflict non-Serbs in Bosnia and Herzegovina were the efforts of the European Union to placate Serbia for its impending "loss" of Kosovo by offers of a Stabilization and Association Agreement and/or a political treaty in the run-up to both the Serbian presidential elections in January and Kosovo's declaration of independence in February. Accusations of double standards on the part of Brussels were frequent, especially in view of the difficulties Bosnia and Herzegovina was experiencing in its own efforts to fulfil the European Union terms in regard to police reform.

63. The niggling border-definition issues with Croatia and Serbia remain unresolved, as does the problem of Croatia's plan to build a bridge, bypassing the small slice of Adriatic coastline of Bosnia and Herzegovina, between the mainland and the Peljesac peninsula. The risk in this case is that the access of Bosnia and Herzegovina to the open sea might be impaired. Inadequacies in judicial cooperation among Serbia, Croatia, Montenegro and Bosnia and Herzegovina, particularly over war crimes prosecutions, also remain. As noted above, however, the main complaint of Bosnia and Herzegovina is that Serbia has done nothing to implement the verdict of February 2007 of the International Court of Justice in regard to indicted war criminals.

## XV. European Union police mission

64. On the invitation of the Presidency of Bosnia and Herzegovina, the European Council decided on 19 November 2007 to extend the mandate of the European Union police mission for another two years. It will now run until 31 December 2009. The mandate stays roughly unchanged, as does the mission's size. Having worked closely with the mission, I strongly supported its extension. Although the chain of command in the mission had been previously amended to reflect the establishment of a new civilian planning and conduct capability at the Brussels level (Council Secretariat General), I continue to provide political guidance to the mission.

65. As foreseen in its reconfirmed mandate, the strategic priorities of the mission remain the fight against organized crime and corruption, the attainment of police reform, and the improvement of police accountability. As for the first of these, the mission took the lead in coordinating the policing aspects of international efforts and ensured, in particular, closely targeted European Union attention to major crime cases across Bosnia and Herzegovina through the European Union Coordination Board. Through its Criminal Justice Unit and in close coordination with my office, the mission promoted better relations between police and prosecutors and hosted the third National Police and Prosecutors Conference.

66. The mission also monitored police accountability and supported the development of best practices. For example, protest demonstrations in Republika Srpska in February against Kosovo's declaration of independence provided the mission with an opportunity to evaluate police handling of highly sensitive public events (in this case, positively). The mission likewise supported the strengthening of State-level law enforcement agencies (the Border Police and the State Investigation and Protection Agency, particularly through co-location. The mission continued to support efforts to broker a political agreement on police reform and later participated, together with colleagues in the Office of the High Representative, as an

observer on the working group tasked with drafting the new policing laws. On the basis of the common operational guidelines, it continued its close cooperation with EUFOR.

## XVI. Non-certification of police officers

67. Following the letter of April 2007 from the President of the Security Council to the Permanent Representative of Bosnia and Herzegovina to the United Nations on former police officers denied certification by the International Police Task Force, the Office of the High Representative/European Union Special Representative and the European Union police mission drafted model amendments to assist all jurisdictions in bringing their legislation into compliance with the terms of the President's letter.

68. As of March 2008, 8 of the 10 Federation cantons and Brcko District had amended their legislation to comply with the conditions set by the President of the Security Council. The Bosnia and Herzegovina Council of Ministers and the Federation Government had both adopted the necessary amendments and forwarded them to their respective parliaments. Neither Cantons 1 and 10, nor Republika Srpska, had yet begun to adopt legislation.

## XVII. Media development

69. Although Bosnia and Herzegovina ranks fairly high on league tables of media freedom, there was much discussion during the reporting period about alleged "blacklists" of persons critical of the Republika Srpska Government who should not be allowed to air their views on radio and television or to write for the press. In the Federation, meanwhile, concern centred on the extreme partisanship and intermittent irresponsibility of some newspapers and television news programmes. Both complaints reflect the fact that the media landscape is as fragmented as are the national and political scenes. Bosniaks, Croats and Serbs tend to watch, listen to and read their "own" media to the exclusion of the others. The State-level public broadcaster, BHRT, has had difficulties acquiring an audience, particularly in the Republika Srpska. Croats feel particularly disadvantaged by what they regard as Bosniak domination of the Federation's public broadcaster and Serb control of its Republika Srpska equivalent. They argue that they, too, must have a State-wide public television service that would broadcast exclusively in the Croatian language.

70. This explains the failure to complete public broadcasting reform, the enactment of the requisite legislation in the Federation being the missing element. Croat parliamentarians have twice invoked "vital national interest" to stop enactment of the law as adopted by the Federation Parliament. Their most recent objections have now been sent to the Federation Constitutional Court for adjudication.

71. Ensuring the independence of the Communications Regulatory Agency is another European partnership requirement. Unfortunately, the appointment of a new director has become enmeshed in the larger ethno-political game. Although the Council of the Communications Regulatory Agency has repeatedly sought to reappoint the current (Bosniak) director to another term, the Council of Ministers has refused to do so, demanding a rerun of the appointment process. This refusal

stems from an agreement, struck by the leaders of the six coalition parties in December, that the directorship of the Communications Regulatory Agency should go to a Croat.

## XVIII. European Union Special Representative

72. In line with my mandate as European Union Special Representative in Bosnia and Herzegovina (Council Joint Action 2007/427/CFSP), I continued to promote the priorities listed in the European partnership document of 2006, as well as the implementation of the Dayton Accords. In my capacity as European Union Special Representative, I have also continued to coordinate and ensure the coherence of the European Union presence in Bosnia and Herzegovina, in particular with regard to the European Union police mission and EUFOR.

73. In line with the European Union enlargement strategy 2007-2008, calling for better communication by the European Union, I have recently launched a European Union integration campaign in coordination with the delegation of the European Commission and missions on the ground under the European Security and Defence Policy. The objective is to create a critical mass of citizens in the country that would be empowered to speak out in favour of European Union integration and gradually exert ever-greater pressure on the domestic political establishments to deliver on their commitments to integration. I have opened a dialogue with the public by attending the debates that continue to take place across the country. In addition, I have recently set up an interactive web page (www.reci.ba) through which I reply to citizens' questions and facilitate public debate on European Union integration. The site received some 18,000 visits and 1,300 comments from citizens in its first month.

## XIX. Future of the Office of the High Representative

74. As has been reported above, the meeting held on 26 and 27 February of the Steering Board of the Peace Implementation Council determined that the Office of the High Representative should remain in place and continue to carry out its mandate under the Dayton Peace Agreement until such time as the domestic authorities fulfil five specific objectives and two general conditions prevail (see annex). This shift to an objective-driven road map towards the closure of the Office should accelerate the reform process, inculcate domestic ownership, and diminish uncertainly about the future. The Office of the High Representative can and will close as soon as these benchmarks and conditions are met.

## XX. Reporting schedule

75. In keeping with my predecessors' proposals to submit regular reports for onward transmission to the Security Council, as required by resolution 1031 (1995), I herewith present my first regular report. Should the Secretary-General or any Security Council member require information at any other time, I should be pleased to provide an additional written update.

## Annex

### Declaration of the Steering Board of the Peace Implementation Council, 27 February 2008

The Political Directors of the Steering Board of the Peace Implementation Council met in Brussels on 26 and 27 February 2008. The Presidency of Bosnia and Herzegovina, the Chairman of the Council of Ministers as well as leaders of the governing coalition were present during parts of the meeting.

The Steering Board noted that, since October, Bosnia and Herzegovina has made progress with regard to the Stabilization and Association Agreement. The Steering Board welcomes the initialling of the Stabilization and Association Agreement that took place on 4 December 2007. The signing of the Stabilization and Association Agreement is finally in reach as soon as the necessary conditions are met.

However, important underlying problems, which gave rise to recent crises, remain in Bosnia and Herzegovina. There have been attempts to weaken progressively the institutions and legitimacy of the State. There have been renewed tensions between political actors over the future constitutional make-up of the country as well as the role and competencies of the State. The limited degree of cooperation among Bosnia and Herzegovina actors shown late in 2007 has deteriorated. There have also been unacceptable challenges to the Dayton Peace Agreement.

The Steering Board expresses deep concern with regard to official calls for secession. It strongly emphasizes that under the Dayton Peace Agreement an entity has no right to secede from Bosnia and Herzegovina.

As previously stated, the Steering Board is also concerned by statements calling the existence of entities into question.

The Steering Board underlines once again that Bosnia and Herzegovina is a recognized sovereign State whose territorial integrity is guaranteed by the Dayton Peace Agreement. The Steering Board recalls that the Constitution of Bosnia and Herzegovina recognizes that Bosnia and Herzegovina consists of two entities and that Bosniaks, Croats and Serbs are constituent peoples. The Steering Board remains fully committed to the Dayton Peace Agreement.

The Steering Board reiterates that Bosnia and Herzegovina politicians must end the practice of threatening unilateral changes to the constitutional structure of the country. All parties must comply fully with the Dayton Peace Agreement. The Steering Board underlines that the international community retains the necessary instruments to counter destructive tendencies and that it will not allow attempts to undermine the Dayton Peace Agreement, whether from inside or outside the country. All signatories and parties are obliged under annex 10 of the Dayton Peace Agreement to cooperate fully with the High Representative and his staff. Decisions of the High Representative must be fully respected and promptly implemented.

With regard to police reform, the Steering Board encouraged Bosnia and Herzegovina actors to take forward the debate in the Parliamentary Assembly and to adopt police reform legislation in line with the Mostar Declaration and the

subsequent Action Plan and consistent with European Union requirements as a matter of urgency.

The Steering Board encourages the Bosnia and Herzegovina Council of Ministers to continue to move forward on the reform agenda with determination, and to adopt an action plan as a response to the European partnership.

The Steering Board welcomes the adoption of the platform for action and the progress made towards realizing some of its objectives, including fiscal coordination. However, much more needs to be done.

The Steering Board notes that political party leaders have had initial discussions on constitutional reform and that this issue is also reflected in the Mostar Declaration and the action plan. The Steering Board reaffirmed its view that constitutional reform will be necessary in order to equip Bosnia and Herzegovina to meet the requirements of a modern European State.

The Steering Board underlines the importance of freedom of expression, including free and independent media, and notes that the Dayton Peace Agreement obliges Bosnia and Herzegovina, including both entities, to ensure the highest level of internationally recognized human rights and fundamental freedoms. In this regard the Steering Board welcomes the visit of the OSCE representative for freedom of the media to Bosnia and Herzegovina.

In line with the decision taken at its meeting of October 2007, the Steering Board reviewed the situation. It endorsed the following recommendations of the High Representative regarding the future of the Office of the High Representative.

Having assessed developments in Bosnia and Herzegovina over the past months, the Steering Board reiterated that transition and ownership remain the goals. It is for Bosnia and Herzegovina actors, in the first place, to create the conditions for transition to occur, which should happen in the shortest possible time. The Steering Board and the broader international community stand ready to support Bosnia and Herzegovina actors in creating the necessary conditions.

Bosnia and Herzegovina as a "peaceful, viable State irreversibly on course for European integration" has been the long-standing objective of the Steering Board and achieving this objective has been the focus of the work of the Office of the High Representative.

The workplan of the Office of the High Representative approved by the Steering Board in April 2007 contains a number of long-standing objectives that the Steering Board considers to be essential for the creation of such a peaceful, viable State. For this reason, the Steering Board has decided that the most critical issues contained in the workplan should be considered objectives that need to be achieved by the Bosnia and Herzegovina authorities prior to transition. These objectives are well established, have been approved by the Steering Board, and have all been previously recognized by Bosnia and Herzegovina authorities as obligations.

The objectives that will need to be delivered by the Bosnia and Herzegovina authorities prior to transition are:

- Acceptable and sustainable resolution of the issue of apportionment of property between State and other levels of government
- Acceptable and sustainable resolution of defence property

- Completion of the Brcko Final Award
- Fiscal sustainability promoted through an agreement on a permanent coefficient methodology for the Indirect Taxation Authority and establishment of a National Fiscal Council
- Entrenchment of the rule of law (demonstrated through the adoption of a national war crimes strategy, adoption of the law on aliens and asylum, and adoption of a national justice sector reform strategy).

In addition to the objectives listed above, the Steering Board agrees that two conditions need to be fulfilled prior to transition: signing of the Stabilization and Association Agreement and a positive assessment of the situation in Bosnia and Herzegovina by the Steering Board based on full compliance with the Dayton Peace Agreement.

The signing of the Stabilization and Association Agreement is not part of the Office's workplan. However, it is an important requirement for transition and necessary to demonstrate Bosnia and Herzegovina's progress towards membership of the European Union.

The situation in Bosnia and Herzegovina has previously been defined by the Steering Board as a criterion for decision-making on the closure and transition of the Office of the High Representative. It remains crucial that Bosnia and Herzegovina political leaders fully comply with the Dayton Peace Agreement avoiding any rhetoric or action that would threaten or violate the Peace Agreement.

The achievement of the above-mentioned objectives and fulfilment of the conditions will facilitate transition. The Steering Board urges the authorities in Bosnia and Herzegovina to achieve these objectives and contribute to fulfilling these conditions as soon as possible. The High Representative stands ready to advise and work with Bosnia and Herzegovina institutions in this regard.

The Steering Board underscores its full support for the High Representative to facilitate accomplishment of these objectives in a manner consistent with the overall goal of entrenching reform and ensuring that Bosnia and Herzegovina meets its commitments for Euro-Atlantic integration. The Steering Board requests the High Representative to take all appropriate measures to ensure that the objectives are met.

The Office of the High Representative will remain in place and continue to carry out its mandate under the Dayton Peace Agreement, ensuring full respect of the Peace Agreement.

The Steering Board reiterated the view that a reinforced office of a European Union Special Representative would constitute an important part of the European Union comprehensive engagement after the Office of the High Representative. The Steering Board looked forward to a renewed exchange of information on the respective planning processes.

The Steering Board calls upon Serbia, a Dayton signatory, as well as the authorities in Bosnia and Herzegovina, especially those in Republika Srpska, to abide by their obligations under international law to cooperate fully with the International Tribunal for the Former Yugoslavia, playing a proactive role in apprehending all remaining indictees, including Radovan Karadzic and Ratko

Mladic, without further delay, dismantling the networks offering support to such fugitives, and ensuring they are transferred to the Tribunal.

The Steering Board reminded all authorities in Bosnia and Herzegovina of the fundamental principle of the inviolability of diplomatic missions and their obligations in that regard. The Steering Board deplores the damage inflicted upon diplomatic offices in Banja Luka. It expects the authorities in Bosnia and Herzegovina, in particular the Republika Srpska, to live up fully to their obligations and to maintain public order.

The Office of the High Representative will monitor progress against objectives and conditions and the Steering Board will keep the situation under constant review. The next meeting of Political Directors will be held in Sarajevo on 24 and 25 June 2008.

United Nations A/62/832–S/2008/301

General Assembly
Security Council

Distr.: General
7 May 2008
English
Original: Arabic

**General Assembly**
**Sixty-second session**
Agenda item 17
**The situation in the Middle East**

**Security Council**
**Sixty-third year**

## Identical letters dated 6 May 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical summary of Israeli violations committed from 8 to 30 April 2008 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-second session of the General Assembly, under agenda item 17, and of the Security Council.

(*Signed*) Nawaf **Salam**
Permanent Representative

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## Annex to the identical letters dated 6 May 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

## Israeli violations, acts of aggression and other activities from 8 to 30 April 2008, inclusive

**Air violations**

On 8 April 2008:

- Between 1108 and 1220 hours, two Israeli enemy warplanes violated Lebanese airspace; they entered over Dayr Mimas, circled over all regions of Lebanon, then left over Alma al-Sha'b;
- Between 1320 and 1830 hours, an Israeli enemy reconnaissance aircraft overflew the area of Kafr Shuba.

On 13 April 2008:

- Between 0903 and 0935 hours, four Israeli enemy warplanes violated Lebanese airspace; they entered over the occupied Shab'a Farms, circled between Beirut and the South, then left over the sea off Naqurah;
- Between 1250 and 1320 hours, an Israeli enemy reconnaissance aircraft overflew the towns of al-Marj and 'Ambaq;
- Between 1500 and 1530 hours, an Israeli enemy reconnaissance aircraft overflew the towns of Ham and Ma'rabun.

On 14 April 2008:

- Between 0930 and 1045 hours, an Israeli enemy reconnaissance aircraft overflew the areas of Bint Jubayl and Tibnin. Enemy warplanes flew over the same areas at high altitudes between 1015 and 1045 hours;
- Between 1400 and 1430 hours, an Israeli enemy reconnaissance aircraft overflew the area of al-Rihan;
- Between 1600 and 1900 hours, an Israeli enemy reconnaissance aircraft overflew the areas of Bint Jubayl and Tibnin.

On 16 April 2008, between 1045 and 2000 hours, an Israeli enemy reconnaissance aircraft overflew the areas of Tibnin, Bint Jubayl, Kafr Shuba and the Shab'a Farms.

On 19 April 2008, between 0715 and 0800 hours, an Israeli enemy reconnaissance aircraft overflew the region of the South at high altitude.

On 21 April 2008:

- Between 0300 and 0330 hours, an Israeli enemy reconnaissance aircraft overflew the Naqurah area;
- Between 0700 and 1115 hours, an Israeli enemy reconnaissance aircraft overflew the Bint Jubayl area.

On 23 April 2008:

- Between 0935 and 1020 hours, four Israeli enemy warplanes violated Lebanese airspace; they entered over the sea off Damur, circled over the Western Bekaa, the South and the Shuf, then left over the sea off Kafr Kila;
- Between 1900 and 2310 hours, an Israeli enemy reconnaissance aircraft overflew the regions of the South and the Bekaa.

On 26 April 2008, between 1700 and 1730 hours, then once again between 2000 and 2100, an Israeli enemy reconnaissance aircraft overflew the Naqurah area.

On 28 April 2008:

- Between 1056 and 1125 hours, eight Israeli enemy warplanes violated Lebanese airspace; they entered over Rumaysh heading northeast, proceeded as far as Hirmil, then left over the sea off Naqurah;
- Between 1100 and 1103 hours, four Israeli enemy warplanes violated Lebanese airspace; they entered over the sea off Byblos (Jubayl) heading east, proceeded as far as Hirmil, and circled between the Bekaa and the North. They then proceeded south as far as Beirut and north as far as Tripoli, circling between the North, the Bekaa, Beirut and the Shuf. All of the warplanes left over the sea off Naqurah at 1205 hours.

On 29 April 2008, between 1140 and 1330 hours, an Israeli enemy reconnaissance aircraft overflew the Bint Jubayl area.

On 30 April 2008, between 2010 and 2020 hours, an Israeli enemy reconnaissance aircraft overflew the area of Tibnin at high altitude.

**Sea violations**

On 10 April 2008, at 0300 hours, an Israeli enemy gunboat inside occupied Palestinian territorial waters shined a searchlight towards Lebanese territorial waters for 35 minutes.

**Acts of aggression in the field**

On 9 April 2008, at 0730 hours, a Merkava tank belonging to the Israeli enemy was observed inside the Occupied Palestinian Territory at position *shin* 11, east of the Mays al-Jabal-Mahaybib road. The said tank proceeded to point its cannon towards Lebanese Army position *lam mim* 11 at Mays al-Jabal for 15 minutes before leaving the area.

On 11 April 2008, at 1900 hours, seven cows entered Lebanese territory near Bawwabat Hasan, whereupon elements of the Indian contingent serving in the United Nations Interim Force in Lebanon (UNIFIL) proceeded to turn them back.

On 12 April 2008, at 2215 hours, an Israeli enemy patrol shined a searchlight for 10 seconds from within the Occupied Palestinian Territory opposite Marun al-Ra's towards the Lebanese Army position at Talat Marun al-Ra's.

On 13 April 2008, at 1900 hours, five members of an Israeli enemy patrol violated the line of withdrawal and proceeded for approximately 50 metres in the area of al-Shahal (on the outskirts of Shab'a). The patrol left at 2030 hours.

On 14 April 2008, at 2034 hours, the Israeli enemy shined a searchlight for two minutes from the western gate of the Zar'it barracks inside the Occupied Palestinian Territory towards the Tarbikha gate-Marwahin triangle and Jabal Balat.

On 15 April 2008, at 0812 hours, a Merkava tank belonging to the Israeli enemy at position *shin* 11, east of the Mays al-Jabal-Mahaybib road, pointed its cannon towards Lebanese Army observation post *lam mim* 11 at Mays al-Jabal.

On 16 April 2008:

- At 1500 hours, four tents belonging to the Israeli enemy were observed in the area of al-Shahal (Shab'a Farms), inside the barbed wire strip in occupied Lebanese territory. Another tent was observed between the Radar and al-Shahal positions, inside the occupied Shab'a Farms;
- At 2024 hours, Israeli enemy forces shined a searchlight for five seconds from the western gate of the Zar'it barracks towards the Marwahin triangle and the Jabal Balat position of the 61st Brigade of the Lebanese Army.

On 19 April 2008, at 1645 hours, seven cows belonging to the Israeli enemy crossed the line of withdrawal, reaching Birkat Ba'thanil (opposite Kafr Shuba) on the Lebanese side. They left Lebanese territory at 1655 hours.

On 21 April 2008, at 1330 hours, 20 cows belonging to the Israeli enemy crossed the line of withdrawal, reaching Birkat Ba'thanil (opposite Kafr Shuba) on the Lebanese side. They left Lebanese territory at 1400 hours.

On 24 April 2008, fifty cows belonging to the Israeli enemy coming from the occupied Shab'a Farms crossed the line of withdrawal and headed towards Lebanese territory, reaching Birkat Ba'thanil (on the outskirts of Kafr Shuba). The cows entered in three groups: seven cows entered at 0700 hours and then left at 0725 hours, while 28 entered at 1620 hours, followed by 15 more at 1954 hours. All cows from the latter two groups left at 2005 hours.

On 25 April 2008, twelve cows belonging to the Israeli enemy coming from the occupied Shab'a Farms crossed the line of withdrawal and headed towards Lebanese territory, reaching Birkat Ba'thanil (on the outskirts of Kafr Shuba). The cows entered in two groups: three cows entered at 0550 hours and then left at 0557 hours; nine cows entered at 1835 hours and then left at 1855 hours.

On 27 April 2008, thirty-six cows belonging to the Israeli enemy coming from the occupied Shab'a Farms crossed the line of withdrawal and headed towards Lebanese territory, reaching Birkat Ba'thanil (on the outskirts of Kafr Shuba). The cows entered in two groups: 12 cows entered at 1830 hours, while 24 others entered at 1920 hours. All of the cows left at 1952 hours.

On 30 April 2008, thirteen cows belonging to the Israeli enemy coming from the occupied Shab'a Farms crossed the line of withdrawal and headed towards Lebanese territory, reaching Birkat Ba'thanil (on the outskirts of Kafr Shuba). The cows entered in two groups: eight cows entered at 0619 hours and then left at 0708 hours, while five others entered at 1805 hours and then left at 1812 hours.

United Nations A/62/833–S/2008/302

General Assembly
Security Council

Distr.: General
7 May 2008
English
Original: Arabic

**General Assembly**
Sixty-second session
Agenda item 17
**The situation in the Middle East**

**Security Council**
**Sixty-third year**

## Identical letters dated 6 May 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith a statistical table of the violations committed by Israel by air, land and sea during the month of April 2008 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-second session of the General Assembly, under agenda item 17, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

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# Annex to the identical letters dated 6 May 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

## Statistical table showing Israeli violations during April 2008

| *Air violations* | | | | | *Land violations* | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| *Military jet* | *Reconnaissance* | *Helicopter* | *Subtotal* | *Sea violations* | *Military acts of aggression* | *Field violations* | *Breaches* | *Subtotal* | *Total* | *Previous month's violations* |
| | | | | Crossing of territorial waters, and firing of automatic-weapons rounds, flares and flare shells over territorial waters | Air raids, artillery shelling, shelling of military positions and important posts, attacks on and killing of civilians | Gunfire, launching of flare bombs, dropping of artillery shells, infiltration and crossing of international borders | Threats and display of weapons, bulldozing of soil, placing of barbed wire and setting up of installations inside Lebanese territory | | | |
| 9 | 18 | — | 27 | 1 | — | 18 | 4 | 22 | 50 | 94 |

United Nations A/62/835–S/2008/303

General Assembly
Security Council

Distr.: General
8 May 2008

Original: English

**General Assembly**
**Sixty-second session**
Agenda item 20
**The situation in the occupied territories of Azerbaijan**

**Security Council**
**Sixty-third year**

## Identical letters dated 6 May 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith an article entitled "A diplomatic deal on Nagorno-Karabakh is the wisest path to take" by Elmar Mammadyarov, the Minister for Foreign Affairs of Azerbaijan, issued on 30 April 2008 in *European Voice*, the leading source of news of the European Union (see annex).

I should be grateful if the present letter and its annex were to be distributed as a document of the General Assembly, under item 20, and of the Security Council.

(*Signed*) Ilgar **Mammadov**
Chargé d'affairs a.i.

08-33219 (E) 120508

**Annex to the identical letters dated 6 May 2008 from the Chargé d'affairs a.i. of the Permanent Mission of Azerbaijan to the United Nations addressed to the Secretary-General and the President of the Security Council**

## A diplomatic deal on Nagorno-Karabakh is the wisest path to take

## by Elmar Mammadyarov

## European Voice
## 30.04.2008

**A diplomatic accord with Armenia would benefit the region and Europe, writes Azerbaijan's foreign minister.**

With oil at more than $115 a barrel, and the global market on tenterhooks, there is virtual inaction by the major consumer countries of the West to resolve a simmering conflict less than 20 km from the world's second-longest oil pipeline.

The Baku-Tbilisi-Ceyhan pipeline bringing Caspian oil to the Mediterranean and western markets through Azerbaijan, Georgia, and Turkey skirts the conflict zone of Nagorno-Karabakh – the internationally-recognized Azerbaijani territory currently under Armenian occupation. World energy security, as well as the stability and economic prosperity of the Caspian region, now demands that the long-running dispute over Karabakh, part of Europe's new neighbourhood, is settled.

My country is not only resource-rich; we have systematically attempted to embed ourselves in multilateral structures and negotiations. Azerbaijan is determined to see its territorial integrity restored in the near future. Over two decades, almost a million of our people have been displaced by a foreign occupying force.

A resolution will not just benefit us. Armenia too will see its international isolation ended. Its borders with Azerbaijan will be opened, with all the prosperity that will follow lucrative east-west trade and transport. Regional powers – Iran and Turkey – will benefit from decreased instability in their neighbourhood, and Europe will gain stable partners in the region, with one less haven for trans-national threats.

As for Russia, its interests in the region for once converge very well with those of the EU. As one of the biggest foreign direct investors in our countries, Russian businesses will benefit from stability, transparency, and predictability in the South Caucasus.

Despite phenomenal economic progress in Azerbaijan, our full potential – and thus the full potential of the Caspian region – cannot be realised while the conflict remains unresolved. The occupied areas

are also havens for illegal transnational activity, money laundering and drug and arms trafficking, which directly affects the citizens of European countries as well as the states in the region.

On 15 April, US Secretary of State Condoleezza Rice expressed clear support for Azerbaijan's full sovereignty and called for more political will to achieve resolution. The NATO alliance at its summit in Bucharest earlier this month agreed that peace in Karabakh must be realized quickly and within the borders of Azerbaijan. In March, the United Nations General Assembly passed a resolution reaffirming Azerbaijan's territorial integrity and explicitly calling for the withdrawal of all Armenian forces.

This widespread support is partly based on the nature of the Armenian occupation. Today's uncertain status quo rests on a foundation of ethnic cleansing comparable to that which occurred in Bosnia or Kosovo. Azerbaijan and the international community cannot tolerate the continued, systematic eradication of Azerbaijani culture and Muslim tradition in the occupied areas. Staring down Armenian forces over a shaky ceasefire line inside our internationally recognized territory is no longer a workable reality. They must leave and the displaced people return.

Azerbaijan proposes a final offer to Armenia. We support full autonomy for Karabakh within Azerbaijan. Our priority is diplomacy, but we keep all options on the table when it comes to restoring the full sovereignty of Azerbaijan.

*Elmar Mammadyarov is the Minister for Foreign Affairs of Azerbaijan.*

United Nations S/2008/304

Security Council

Distr.: General
9 May 2008

Original: English

# Report of the Secretary-General on the deployment of the African Union-United Nations Hybrid Operation in Darfur

## I. Introduction

1. The present report is submitted pursuant to paragraph 6 of Security Council resolution 1769 (2007), by which the Council requested me to report every 30 days on the status of financial, logistical and administrative arrangements for the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and on the extent of progress by UNAMID towards full operational capability. The report covers significant developments during the month of April 2008, including the security and humanitarian situation in Darfur. It also provides an update on the Darfur political process.

## II. Security situation

2. The security situation throughout Darfur remained extremely volatile during the reporting period. Significant clashes occurred between the rebel movements and Government forces, as well as armed factions of the rebel movements, especially in the States of Western and Southern Darfur. Banditry continued to affect United Nations and other humanitarian staff and operations.

3. Tension continued on the Chad-Sudan border where fierce fighting erupted during the night of 31 March after Chadian armed opposition groups based in Darfur reportedly infiltrated Chad territory and attacked Chadian regular forces in Adre. As a result, 20 staff members of international non-governmental organizations had to be evacuated from Beida (90 km south of El Geneina). Some 40 injured Chadian armed opposition members were transported to El Geneina for medical treatment.

4. Clashes on the Chad-Sudan border continued on 12 April when the Justice and Equality Movement (JEM) attacked a Sudanese armed forces post at Kush Kush (15 km north-west of Seleia). The Sudanese armed forces retaliated by conducting air attacks and shelling JEM positions near Seleia. Sixty-two civilians were killed by the attacks.

5. Also on 12 April, forces of the Sudan Liberation Movement/Army (SLM/A)-Abdul Wahid conducted an armed attack against the Sudanese armed forces in the Kass area south of Jebel Marra, reportedly killing 17 Sudanese Government police

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officers. On 16 April, SLM/A-Minni Minawi and SLM/A-Free Will clashed to the east of Nyala, resulting in three reported fatalities and three injured.

6. Tribal fighting over livestock continued between the Salamat and Habbaniya in Southern Darfur. During one clash on 17 April, several hundred Habbaniya on horseback and 31 vehicles clashed with the Salamat, resulting in 31 Habbaniya fatalities and 63 injured. Six Salamat were reportedly killed and one injured.

7. During the first half of the reporting period, there was also significant tension in El Fasher between the Sudanese armed forces and Government-allied militia, reportedly because of the failure of the Government to pay the militia their expected salaries. El Fasher market was looted by the militia on 6 April, resulting in one civilian death and five injured.

8. On 29 April, in the SLM/A-controlled area of El Hashim and Heles north of Kutum in Northern Darfur, one woman was killed and property and livestock were destroyed during aerial attacks by the Sudanese armed forces and fighting between Government and rebel forces.

9. On 2 May, following air attacks by the Sudanese armed forces the previous day on the village of Umm Sidir in Northern Darfur, UNAMID successfully airlifted eight civilians wounded in the attack, which had also left two men dead. The evacuation was conducted at the request of humanitarian organizations and in coordination with Sudanese authorities. UNAMID initiated an investigation on the ground, and the peacekeeping forces continued to monitor the situation.

10. Aerial bombardments continued on 4 May in Northern Darfur. Three people were killed and one was seriously injured when an unidentified aircraft bombed the villages of Ein Bessar and Hatan. The same day, an unidentified aircraft bombed Shegeg Karo village (approximately 50 km north-east of Umm Baru), killing 12 people and wounding 27 others. On 5 May, UNAMID was denied permission from the Government to evacuate the wounded civilians from Shegeg Karo.

11. As a result of violent clashes in all three States of Darfur so far this year, more than 100,000 civilians were forced to flee their homes, many of them not for the first time. Camps for internally displaced persons in Darfur, many already beyond their capacity in terms of size and the availability of basic services, struggled to absorb the new arrivals. Meanwhile, violence during the reporting period meant rural areas were increasingly cut off from markets or relief assistance. Despite the best efforts of humanitarian agencies to maintain assistance levels, security conditions in Darfur, including increasing incidents of banditry, led to a reduction in humanitarian access and the quality of service provision, with serious implications for the health and well-being of vulnerable groups.

12. The humanitarian community itself also continued to be subject to violence. Since the start of the year, six aid workers have been killed and 106 vehicles carjacked. The World Food Programme (WFP) was forced to reduce food rations to more than 3 million beneficiaries in Darfur at a time when malnutrition is already unacceptably high in several areas of the region.

## III. Mission strength

13. As at 17 April, the total strength of UNAMID uniformed personnel was 7,019 troops, 274 military staff officers, 146 military observers, 1,551 individual police officers, and one formed police unit of 140 personnel.

14. Recruitment of civilian positions currently stands at 1,474 of 5,569 authorized posts, or 26 per cent of full capacity. There are 460 international staff currently deployed, 880 national staff, and 134 United Nations Volunteers. In addition, UNAMID employs 1,700 individual contractors.

## IV. Deployment of UNAMID

15. Preparations for the deployment of additional troops and formed police units to Darfur continued to be hampered by significant logistical challenges and insecurity. During the period under review, the equipment of several military and formed police units earmarked for UNAMID arrived in the Sudan. The movement of cargo and personnel to and throughout the mission area has been severely limited, however, by delays in the clearance of cargo from Port Sudan, banditry along the convoy routes, insufficient material-handling equipment, and a lack of capacity of the local market to meet the cargo transport requirements of UNAMID. The movement of equipment by road from Port Sudan to Darfur, some 1,400 miles, currently takes an average of seven weeks.

16. The equipment of the advance party of the first Egyptian infantry battalion was flown into Darfur on 15 March and is en route to its base in Northern Darfur. The movement of the equipment of the advance party of the first Ethiopian infantry battalion began on 2 April and the equipment is expected to arrive in Darfur by mid-May. The advance party of the Ethiopian infantry battalion will deploy in May, and the main body is due to begin to deploy in June. The equipment of the Nepalese formed police unit which arrived in Port Sudan on 18 February is still in transit to Nyala. The equipment of the Indonesian formed police unit arrived in Port Sudan on 25 April but has not yet been released from Customs.

17. While the advance party of the Chinese engineer unit has been on the ground for several months, the main body of the unit can deploy only once the movement of its equipment from Port Sudan to Darfur is completed. Some 75 per cent of the equipment is now en route to Darfur, but 25 per cent remains in Port Sudan.

18. In an extremely disturbing development, a convoy of three commercial vehicles carrying two UNAMID containers of contingent-owned equipment, including ammunition and WFP food supplies, from El Obeid to Nyala was hijacked by 30 unidentified armed men on board two Landcruisers on 29 April, near Abu Karinka, 100 km east of Ed Daein in Southern Darfur. UNAMID immediately notified the Government of the Sudan and began patrols and aerial search for the missing trucks and cargo. Efforts to recover the cargo continue as a matter of top priority for UNAMID, and an investigation into the causes of the incident, including the lack of escort, is ongoing.

19. The movement by road of the equipment of the Egyptian transport company from Port Sudan to Nyala has yet to commence, and the equipment of the Egyptian

engineer company which is currently in transit will arrive in El Fasher in the coming weeks.

20. The mission leadership requested the assistance of the Government of the Sudan in addressing the backlog at Port Sudan, streamlining the Customs clearance process for UNAMID cargo, and ensuring security along the main transportation routes. The mission's severe transportation capacity challenges are being addressed by augmenting inland road transport with cargo airlifts from El Obeid to El Fasher. It is likely that reliance on movement of cargo by air will increase as part of the overall effort to expedite deployment. In addition, the mission is exploring the possibility of utilizing rail transportation from Port Sudan to Nyala.

21. For civilian posts, recruitment is currently focused on mission support and senior level substantive posts. During the period under review, the Director for Humanitarian Liaison and Director of Human Rights were selected and assumed their functions. Recruitment of the civilian Chief of Staff and Director of Public Information has also been completed and efforts to ensure their expeditious deployment are well advanced. Recruitment efforts are encountering significant difficulties, however: 40 international staff selected for appointment in UNAMID declined the offer and many short-listed candidates failed to confirm interest in being interviewed for posts in UNAMID, citing reasons related to the harsh living and working conditions in Darfur.

**Deployment plan**

22. A team from the Departments of Peacekeeping Operations and Field Support, led by the Assistant Secretary-General for Field Support, visited the Sudan from 10 to 17 April 2008 to identify, in collaboration with the mission, steps that need to be taken to expedite the deployment of UNAMID. The team and UNAMID developed an enhanced deployment plan which aims at achieving 80 per cent deployment of the authorized strength of UNAMID by the end of 2008. This amounts to 15,300 out of 19,555 troops, 3,018 out of 3,772 individual police officers, and 12 out of 19 formed police units. Achieving this deployment target requires the following: (a) rotations of the current 10 infantry battalions already deployed must occur at the United Nations standard of strength and equipment; (b) six new battalions (two from Ethiopia, two from Egypt, one from Senegal and one from Thailand) and two new companies (from Nepal) will have to deploy in 2008; (c) vital enabling units should deploy before the rainy season, including engineer, transportation, multi-role logistics and medical units; and (d) 11 additional formed police units should deploy in 2008.

23. Achieving this target will present tremendous logistical challenges and require serious augmentation of the mission's staffing and reception infrastructure. There is also an urgent need to enhance the mission's engineer capability. For this to happen in a timely manner, the direct assistance of troop-contributing countries, donors, and the Government of the Sudan is critical.

24. The Department of Peacekeeping Operations has already made contact with the concerned troop- and police-contributing countries and has informed the Government of the Sudan of important aspects of the plan, particularly with regard to the requirement for enhanced engineering. The Departments of Peacekeeping Operations and Field Support will convene a meeting of troop- and police-contributing countries in the coming week to present the plan and seek additional

engineering capacity. The purpose of the meeting will also be to secure the commitment of Member States to flexibility with regard to the deployment locations of their personnel throughout the mission's area of operations. The fundamental requirement to deploy units with self-sustaining capability will also be reiterated, particularly since newly deployed battalions will be located in extremely austere sites for a minimum of six months.

25. In the light of the transportation challenges described in paragraphs 15 to 20, meeting the deployment targets requires troop- and police-contributing countries to urgently provide the Department of Peacekeeping Operations with the lists of equipment to be transported into the mission area. The sustained assistance of the Government of the Sudan will be central to the successful implementation of the plan, particularly assistance in making available land for the expansion of the existing UNAMID camps and the construction of new camps at Seleia, Buram, Habila and Um Dukhum; and the taking of all possible measures to ensure the rapid and secure movement of mission equipment into Darfur.

26. Progress towards full operational capability and, most importantly, towards the mission's ability to effectively carry out its mandated tasks also requires contributions from Member States of the still missing critical capabilities, namely, three medium utility helicopters, one aerial reconnaissance unit, one medium transport unit, one heavy transport unit and one multi-role logistics unit. While predeployment preparations are under way for the light tactical helicopter unit offered by Ethiopia, four additional light helicopters are still being sought to meet the operational requirements of the mission. At the same time, there is still a requirement to identify, in collaboration with the African Union, police-contributing countries that have the capability to deploy the remaining seven formed police units.

**Mission support aspects**

27. Agreements for land have been finalized for the construction of supercamps at El Fasher, Nyala, Zalingei and El Geneina, as well as a camp for substantive personnel at El Geneina. In the coming weeks, efforts will be made to clarify the information on the lease and ownership of the lands for the 31 camps inherited by UNAMID from the African Union Mission in the Sudan (AMIS), as multiple ownerships are being claimed. Finalizing this issue will be critical to enable UNAMID to proceed with the necessary work to expand the camps.

28. During the period under review, the schedule for AMIS liquidation was developed, physical verification of assets continued, and a coordination mechanism for land and other third-party claims was established. It is anticipated that the handover of ex-AMIS equipment and assets to UNAMID will be completed in June 2008. However, other AMIS liquidation processes, such as land and claims issues, are likely to continue beyond that date.

29. An assessment of the existing 31 ex-AMIS camps is ongoing to determine their overall condition and the requirements to bring them up to United Nations standards. A report on the assessment's findings is expected by mid-May. In addition, required assets and materials for constructing and maintaining 82 community policing centres have been identified by UNAMID police and engineers and are being collected. The community policing centres will constitute the office space for UNAMID police personnel operating within or adjacent to camps for internally displaced persons.

30. Water remains a critical issue for UNAMID operations. Vigorous efforts continue to find sources for additional supply in collaboration with the El Fasher Urban Water Authority. The construction of a 2.5 km, 4-inch diameter pipeline to the proposed supercamp location at El Fasher has started. In addition, negotiations for land acquisition at potential drilling sites and a procurement process for well-drilling have been initiated. Improved water management strategies are being pursued in all existing camps, and a 90 per cent wastewater reclamation programme for Zam Zam has been completed.

31. UNAMID expects to complete work on helicopter parking spaces at Nyala and El Geneina airports before the onset of the wet season in July.

## V. UNAMID operations

32. During the reporting period, UNAMID increased significantly its patrolling and investigation activities, including joint military and police patrols in the northern corridor of Western Darfur, where large numbers of civilians were displaced during the fighting in February 2008. Until 21 April 2008, these activities involved the conduct of 476 confidence-building patrols in 738 villages across the three Darfur States, 113 escort patrols, 44 administrative patrols, 18 investigative patrols, and the provision of convoy security as required.

33. In mid-April, the first rotation of troops started since the transfer of authority from AMIS to UNAMID on 31 December 2007. The process of rotating nearly half the force over the coming two to three months, combined with the assistance required to facilitate the deployment of new units, will further limit the mission's already stretched operational capacity.

34. UNAMID police entered the second phase of a three-phase patrolling plan for the camps for internally displaced persons, expanding the duration of its daily patrols from 8 a.m. to 8 p.m., to cover the period from 8 a.m. to midnight. The Police Commissioner is working to achieve a 24-hour patrolling schedule by July. In sector south, 277 volunteers from six camps for internally displaced persons have undergone basic training in community policing and are now working in partnership with the local Sudanese police to support the maintenance of law and order in the camps. These initiatives are being pursued in parallel with UNAMID police efforts to provide basic training to the local police on human rights and gender issues.

35. UNAMID continued to face obstacles to its freedom of movement despite the clear right to freedom of movement established in the status-of-forces agreement of 9 February. On 27 March, for instance, UNAMID troops based in Sortony were stopped at a checkpoint set up by SLM/A-Abdul Wahid and told that 24 hours' notice was required to access all areas controlled by that group. On 10 April, unidentified gunmen attacked a UNAMID police patrol approximately 2 km north of the Zam Zam camp for internally displaced persons. As a result of the attack, a police officer was wounded and two UNAMID vehicles were seized by the attackers. One vehicle was recovered by Sudanese authorities but one is still missing.

36. In order to address these security challenges, the senior leadership holds monthly meetings with representatives of the Government of the Sudan in Khartoum. Weekly security meetings are also held between UNAMID and Sudanese

Government officials in the three sector headquarters. To the same end, UNAMID is working to establish regular contacts with the rebel movements also.

37. As at the end of the reporting period, more than 50 quick-impact projects, totalling over $1 million, were being implemented by UNAMID in cooperation with community partners, universities, the United Nations country team and international agencies.

## VI. Political process

38. During the reporting period, no further significant progress was made towards holding formal substantive negotiations. The lack of political will among the parties, as well as the deteriorating security situation in the region, remain the main obstacles impeding progress.

39. On 31 March and 1 April in El Fasher, UNAMID held a seminar with the participation of UNAMID senior management, civil affairs, the representatives of the Preparatory Committee for the Darfur-Darfur Dialogue and Consultation, and the Joint Mediation Support Team to review the status of the Darfur Peace Agreement in relation to the UNAMID mandate. The mission agreed to work with the parties to restructure the Ceasefire Commission and, to this end, will convene the Joint Commission as an urgent priority.

40. During the reporting period, the United Nations and African Union Special Envoys, Jan Eliasson and Salim Ahmed Salim, and the Joint Mediation Support Team continued to engage the parties on the preparations for substantive negotiations. The Special Envoys undertook two missions to the Sudan in April. In the course of their consultations, they urged the parties to cease all hostilities, take concrete steps towards improving the security environment in Darfur, and intensify their preparations for the talks.

41. On 8 April in Juba, the five groups which had united under the umbrella of the United Resistance Front (URF) in December (URFF, SLA-Khamees, SLA-Bakheit/Shogar, NMRD and JEM-Collective Leadership), formally announced their leadership structure under Bahar Idriss Abu Garda (JEM-CL). URF represents one of the five main groupings of non-signatory movements, together with JEM-Khalil Ibrahim, SLM/A-Abdul Shafie, SLM-Unity, and SLM/A-Abdul Wahid.

42. Together with the Joint Mediation Support Team, UNAMID also increased its engagement with civil society organizations, women's groups, traditional leaders, intellectuals and leaders of internally displaced persons. In all three States, the mission facilitated regular meetings of Darfurians to advance the participation of civil society in the peace process.

43. The fifth Sudan national population census commenced on 22 April. In the light of the public opposition of some leaders of camps for internally displaced persons, enumerators did not attempt to gain access to those camps, including Abu Shouk, Kalma, Khamsa Dagaia, Hassa Hissa and Hamadiya.

## VII. Financial aspects

44. The General Assembly, by its resolution 62/232, authorized the Secretary-General to establish a special account for UNAMID and appropriated the amount of $1,275.7 million for the period from 1 July 2007 to 30 June 2008, an equivalent of $106.3 million per month, for the establishment of UNAMID.

45. As at 31 March 2008, unpaid assessed contributions to the Special Account for UNAMID amounted to approximately $691.3 million. The total outstanding assessed contributions for all peacekeeping operations at the same date amounted to $2,459.1 million.

46. In accordance with Security Council resolution 1769 (2007), paragraph 5 (a), reimbursement of troop costs associated with contingent personnel deployed to AMIS for the period from 1 October to 31 December 2007 has been made.

## VIII. Observations

47. I am deeply disappointed that the parties continue to resort to violence and thus perpetuate the conflict in Darfur. The ongoing military activities of the rebel groups and reprisal actions of the Government and its allied militia are costing civilian lives, limiting humanitarian operations, severely constraining efforts to move towards a negotiated settlement and, in addition, presenting a fundamental challenge to UNAMID, which is not a peacekeeping force designed to deploy or function in a war zone. Owing to the violence in Western and Northern Darfur, the mission's freedom of movement was restricted in violation of the status-of-forces agreement.

48. I am also extremely concerned about the security situation in the Chad-Sudan border area. I call on the Governments of the Sudan and Chad to implement the Dakar Agreement without delay and restore security and order in the border area.

49. A stronger UNAMID presence is undoubtedly in the best interests of all parties concerned about bringing stability to Darfur. Strengthening the mission and achieving our deployment goals in 2008 require immediate action by troop-contributing countries, donors and the Government of the Sudan.

50. To those countries whose personnel are deployed with UNAMID in Darfur, I wish to reiterate my deep appreciation, on behalf of the international community, for their service and valour. I encourage donors to continue their efforts to assist those countries in meeting the rotation schedules and United Nations strength and equipment levels in the coming two to three months. I reiterate my appeal to all new troop- and police-contributing countries to immediately provide their lists of major equipment for all units scheduled to deploy in 2008, so that the complex deployment arrangements for that equipment can begin before the rainy season. We will also be dependent upon the Government of the Sudan to actively facilitate these efforts, including by providing both the land for the construction of camps and security along transportation routes.

51. The deployment of additional troops must also be accompanied by solutions to the missing critical capabilities of UNAMID. I call once again on Member States to contribute the transportation and aviation capabilities which are so vital in multiplying the effectiveness of the mission.

52. When fully deployed, the mission will address a broad range of responsibilities, the protection of civilians foremost among them. But UNAMID cannot be a substitute for political engagement. Progress on the political track is essential if peace and security are to be restored in Darfur. It is only through political dialogue that the parties can reach a viable, sustainable and comprehensive solution to the crisis, and the work of UNAMID and the Special Envoys to facilitate a cessation of hostilities is vital in this regard. All parties must return to the negotiation table to demonstrate their seriousness about ending the long suffering of their people, and enable them to be represented and participate in the political process in the Sudan.

53. In order to strengthen the United Nations-African Union mediation, I am working with the Chairperson of the African Union to appoint a joint chief mediator as soon as possible to be based full time in the Sudan. At the same time, all Member States must look at what guarantees or incentives they can provide to the parties to stop the fighting and give them the confidence to join the peace talks. If dialogue and security are to be restored in Darfur, the international community must send a clear and coordinated signal to both Government and rebel groups that violence and impunity have to end immediately.

United Nations S/2008/305

# Security Council

Distr.: General
7 May 2008
English
Original: Arabic

## Letter dated 5 May 2008 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Further to my previous letters addressed to the Security Council regarding Chad's systematic violation of the Dakar Agreement between Chad and the Sudan, and of all other agreements previously signed by the two countries, I should like to draw your attention to the fact that, on 30 April 2008, the Government of Chad, in continuation of its acts of destabilization, gave direct military aid to the Justice and Equality Movement (JEM) in Darfur. This aid consisted of three large trucks loaded with military equipment, three fuel tankers and three Land Cruiser vehicles. The transport division of the Chadian military was observed delivering this aid in N'Djamena to Abdul Karim Tuli Quni, a JEM military leader.

The continued and regular violation by our neighbour Chad of the Dakar Agreement, and all other agreements previously signed by the two countries, clearly reflects Chad's intention to use those leaders of the Darfurian factions who have rejected peace in order to impede efforts to reach a political settlement as well as to undermine the goal of lasting security and stability in Darfur.

Finally, I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Abdalmahmood Abdalhaleem **Mohamad**
Permanent Representative of the Republic of the Sudan
to the United Nations

08-33078 (E) 080508 090508

United Nations S/2008/306

Security Council

Distr.: General
8 May 2008

Original: English

## Letter dated 6 May 2008 from the Secretary-General to the President of the Security Council

I have the honour to refer to the United Nations Disengagement Observer Force (UNDOF).

Please be informed that after having served in UNDOF since May 1998, Slovakia will withdraw its troops in July 2008. The Government of Croatia has offered to replace the departing Slovak contingent within the Austrian battalion. The addition of the Croatian contingent will not affect the overall Force strength.

Having completed the usual consultations, it is my intention to add Croatia to the list of countries that have agreed to provide military personnel to UNDOF.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

08-33283 (E) 090508

United Nations S/2008/307

# Security Council

Distr.: General
8 May 2008

Original: English

## Letter dated 8 May 2008 from the President of the Security Council to the Secretary-General

I have the honour to inform you that your letter dated 6 May 2008 (S/2008/306) concerning your intention to add Croatia to the list of countries that have agreed to provide military personnel to the United Nations Disengagement Observer Force has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(*Signed*) John **Sawers**
President of the Security Council

08-33277 (E) 090508

United Nations S/2008/308

Security Council

Distr.: General
8 May 2008
English
Original: French

## Letter dated 7 May 2008 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council

With reference to the letter from the Permanent Representative of the Sudan of 5 May 2008 (S/2008/305), and further to the letters I previously addressed to the Security Council, most recently on 1 April 2008 (S/2008/222), I would simply like to indicate that none of the content of the letter from the Permanent Representative of the Sudan is new or remarkable in any way, being yet another repetition of gratuitous and entirely baseless accusations intended to excuse Sudanese Government action to destabilize Chad, in flagrant violation of all of the Sudan's commitments, including in particular those in the Dakar Agreement to which the letter refers.

Chad has no involvement whatsoever in any action by Darfur rebels; quite the opposite: as a neighbour, it has always indicated its readiness to contribute to the best of its ability to the peaceful resolution of the crisis in Darfur. It consequently calls on the Sudan to stop its use of destabilization efforts, distorted reasoning and distraction through unverifiable allegations.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Mahamat Ali **Adoum**
Ambassador, Permanent Representative

08-33271 (E) 090508 090508

United Nations S/2008/309

Security Council

Distr.: General
9 May 2008

Original: English

## Letter dated 8 May 2008 from the Secretary-General to the President of the Security Council

Please find attached my letter of 23 April 2008 (see annex), which I sent to the Chairperson of the African Union Commission, Alpha Oumar Konaré, in reply to his letter of 20 February 2008, requesting a support package from the United Nations.

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

08-33513 (E) 130508

## Annex

### Letter dated 23 April 2008 from the Secretary-General to the Chairman of the African Union Commission

I wish to thank you for your letter of 20 February 2008 (S/2008/178, annex I), forwarding to me the requirements for enhancing the deployment of the African Union Mission in Somalia (AMISOM), pending the possible establishment of a United Nations peacekeeping mission, and requesting that the United Nations provide further support to the African Union in meeting those requirements.

At the outset, I should like to take this opportunity to reiterate my deep gratitude for the important role the African Union is playing under difficult circumstances in the efforts to bring durable peace and security to Somalia.

You would have noted that in my latest report on Somalia, dated 14 March 2008 (S/2008/178 and Corr.1 and 2), I presented to the Security Council the findings of the integrated strategic assessment and fact-finding missions that visited the region earlier this year. The missions worked closely with colleagues in the African Union in developing their assessments and recommendations. In that regard, the United Nations firmly supports the view of the African Union that significant progress has been made in the efforts to facilitate a credible and inclusive political process in Somalia and that on this basis more can be done by the international community to support Somali efforts at bringing lasting peace and security to the country.

To this end, my Special Representative and the United Nations country team, in particular, are stepping up their efforts to provide political mediation and programmatic support necessary for the Transitional Federal Government and Somali stakeholders to engage in a viable process towards a political agreement, while building up the necessary governance and security infrastructure of the country. At the same time, United Nations humanitarian agencies will continue to do all they can to ensure that basic assistance is provided to those in need given conditions on the ground.

As noted in my report, once sufficient progress has been made in regard to the political and security agreements necessary for the deployment of a United Nations peacekeeping operation, I will be in a position to make the appropriate recommendations to the Security Council. In the meantime, the Secretariat will continue to provide technical planning support to the African Union for the deployment of AMISOM and to update contingency planning for such an operation, in close coordination with my Special Representative, the African Union, the Transitional Federal Government and other stakeholders.

In my report of 14 March, I brought the contents of your letter of 20 February to the attention of the Security Council and requested that Member States provide the resources necessary for AMISOM to fulfil its mandate. I also noted that the United Nations stands ready to provide further support to the African Union for the deployment of AMISOM.

We fully agree, as outlined in your letter, that the African Union requires additional assistance from the international community in order to enhance the effectiveness of AMISOM, particularly in regard to the Organization's capacity to

support the Mission and to enable troop-contributing countries to deploy and sustain their troops on the ground.

The proposals presented below on the ways in which the United Nations can further support the African Union in the deployment of AMISOM have been developed with two principles in mind. The first is that United Nations support should be geared towards assisting the African Union to build its institutional capacity to carry out its responsibilities in addressing the challenges it faces in supporting AMISOM. This will not only help the African Union to meet its present requirements, but also help to build its capacity to meet the longer-term challenges of peacekeeping. In this connection, United Nations technical experts will focus their assistance on providing the advice necessary for their African Union counterparts to more effectively carry out their support functions for AMISOM.

The second principle underlying United Nations support to the African Union for AMISOM is to help ensure that AMISOM is deployed, to the extent possible, on the basis of United Nations standards, which will facilitate any future transition to a United Nations mission should the Security Council decide to establish one in Somalia.

To this end, the United Nations is ready to take a two-pronged approach in assisting the African Union to meet those requirements.

The first area of assistance, as requested in paragraph 8 of the attachment to your letter, would focus on building African Union capacity to address the support challenges related to the deployment and sustainment of AMISOM through the provision of additional United Nations technical advisers to the AMISOM planning team in Addis Ababa, particularly, as noted in your letter, in the areas of procurement, finance and logistics advisers. Please find attached to this letter a list of additional technical advisers that the United Nations would be ready to provide to the African Union in this regard, pending budgetary approval by the General Assembly.

While those advisers are a response to the immediate needs of the African Union in supporting AMISOM, the United Nations continues to stand ready to support the longer-term institutional capacity-building needs of the African Union for peacekeeping. To this end, the United Nations planners currently with AMISOM are supporting their African Union colleagues, in coordination with donors, to, inter alia, identify and bring on board new African Union staff who will enhance the Organization's capacity to support AMISOM in the short term while also contributing to meeting the longer-term needs of the African Union. At the same time, within the framework of the Department of Peacekeeping Operations African Union Peace Support Team, the United Nations and African Union are conducting a study of the longer-term institution-building requirements of the African Union Peace Support Operations Division. Once this study is complete, the Department's Support Team will continue to work closely with their African Union colleagues and donors towards implementing the findings and recommendations of the study with a view to strengthening the African Union Commission's capacity to manage ongoing and future peace support operations.

The second area of assistance would focus on enhancing coordination between the African Union, donors and troop-contributing countries with a view to ensuring that sufficient and qualitative bilateral partner funding and support is secured both

for AMISOM-wide requirements and for the specific requirements of current and potential troop-contributing countries. In this regard, I would like to suggest that the African Union and the United Nations hold a high-level donor conference in the coming months, perhaps in New York, to highlight the needs of AMISOM and solicit additional donor contributions for the Mission. I would suggest that at that time the United Nations and the African Union establish a standing coordination mechanism to (1) ensure the continuous updating and validation of the AMISOM concept of operations and requirements based on United Nations standards and (2) develop and coordinate a programme of working-level meetings in Addis Ababa, New York, and troop-contributor and donor capitals, with a view to following up on outstanding requirements.

I make the above set of proposals because I believe it is the most effective, efficient and timely way in which the United Nations could help the African Union to meet its current challenges in supporting AMISOM and, at the same time, build its capacity to meet future challenges.

With regard to the views you have expressed on the arms embargo on Somalia, this matter falls under the purview of the Security Council. I have therefore brought the matter to the attention of the Security Council.

(*Signed*) **Ban** Ki-moon

## Attachment

### List of additional United Nations AMISOM planners

1. Senior Planning Officer
2. Engineering Planning Officer
3. Contract management Planning Officer
4. Security Planning Officer
5. Communications and information technology Planning Officer
6. Finance Planning Officer
7. Contingent-owned equipment Planning Officer

United Nations A/62/841–S/2008/310

General Assembly
Security Council

Distr.: General
13 May 2008

Original: English

**General Assembly**
**Sixty-second session**
Agenda item 77 (a)
**Oceans and the law of the sea**

**Security Council**
**Sixty-third year**

# Identical letters dated 8 May 2008 from the Permanent Representatives of Canada, Denmark, Greece, Japan, the Netherlands, Norway, the Republic of Korea and Spain to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

The international community has repeatedly stated its concern about the escalation of acts of piracy and armed robbery against commercial and humanitarian ships in the waters off Somalia. Those acts are increasingly jeopardizing the delivery and distribution of humanitarian assistance, and are contributing to the destabilization of the region. They also pose a major threat to the safety of international maritime traffic and, thereby, to international peace and security.

The General Assembly, in its resolution on oceans and the law of the sea, the Security Council, in its resolutions 1772 (2007) and 1801 (2008), the Secretary-General, in his reports on Somalia, and the International Maritime Organization, in its resolution A.1002(25), have repeatedly stressed the necessity of addressing this problem in a broader context.

The international community has welcomed the ongoing initiative to protect the World Food Programme humanitarian convoys through the waters off Somalia, in effect since September 2007, successively by French, Danish and, currently, Dutch naval forces. Careful consideration should be given in the future to considering these initiatives as part and parcel of the tasks that the United Nations should undertake in discharging its duties relating to the maintenance of peace and security in Somalia. However, the initiatives in place remain insufficient and States and international organizations should give a new impulse to further proposals effectively to contribute to addressing the serious acts of piracy and armed robbery through the implementation of adequate and sustained measures, in cooperation with the Transitional Federal Government of Somalia and with the support of the international community.

In that regard, on 27 February 2008, the Transitional Federal Government of Somalia, in a letter addressed to the President of the Security Council, requested

08-33430 (E) 130508

urgent assistance from the Council in securing the international and territorial waters off the coast of Somalia for the safe conduct of shipping and navigation.

The Security Council, in accordance with the Charter of the United Nations, is currently working effectively to address this request. The initiatives now before the Council outline a framework for action under Chapter VII of the Charter that, in broad terms, would entail:

- Calling upon States and regional organizations to take action, in cooperation with the Transitional Federal Government of Somalia, to protect shipping involved with the transportation and delivery of humanitarian aid and United Nations-authorized activities
- Stressing the respect for the sovereignty and territorial integrity of Somalia and calling upon States and interested organizations to provide technical assistance to Somalia and nearby coastal States
- Authorizing States, as a response to the request of the Transitional Federal Government of Somalia, to enter the territorial waters of Somalia for the purpose of deterring, preventing and suppressing acts of piracy, using all necessary means for that purpose, in close cooperation with the Transitional Federal Government of Somalia, upon notification to the Secretary-General, and in accordance with applicable international law, including international human rights law

These initiatives should be fully supported by Member States and the international community, as they will serve effectively to address the threat posed by piracy and armed robbery and to clarify the legal framework and the future implications, in line with international law, of an integrated and strengthened action of States and international organizations, in cooperation with the Transitional Federal Government of Somalia and other States in the region.

Member States must enhance their cooperation with other States and with international organizations, including relevant regional organizations, to assist in these efforts around Somalia. However, the medium-term objective of a coordinated and joint action should be aimed at improving measures for the provision of adequate technical assistance already in effect, or those which are still under discussion, in particular, by the International Maritime Organization. Finally, in the medium and long-term, determined action by the international community should address the challenge of ensuring peace and stability in Somalia itself, without which piracy and armed robbery in the waters of the region could not be effectively tackled in a sustained manner.

We should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 77 (a), and of the Security Council.

(*Signed*) John **McNee**
Permanent Representative of Canada

(*Signed*) Carsten **Staur**
Permanent Representative of Denmark

(*Signed*) John **Mourikis**
Permanent Representative of Greece

(*Signed*) Yukio **Takasu**
Permanent Representative of Japan

(*Signed*) Frank **Majoor**
Permanent Representative of the Netherlands

(*Signed*) Johan L. **Løvald**
Permanent Representative of Norway

(*Signed*) **Kim** Hyun Chong
Permanent Representative of the Republic of Korea

(*Signed*) Juan Antonio **Yáñez-Barnuevo**
Permanent Representative of Spain

United Nations A/62/839–S/2008/311

General Assembly
Security Council

Distr.: General
9 May 2008

Original: English

**General Assembly**
**Sixty-second session**
Agenda items 17 and 18

**The situation in the Middle East**

**Question of Palestine**

**Security Council**
**Sixty-third year**

## Identical letters dated 22 April 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I write to inform you of a terrorist attack that occurred earlier today, in which one Israeli civilian was killed by a Qassam rocket fired by Palestinian terrorists in the Gaza Strip.

An Israeli civilian, a man in his forties, was killed after a mortar shell hit his home in Kibbutz Kfar Aaza. Three others were wounded in the attack; one sustained moderate injuries and the other two were lightly injured. Hamas claimed responsibility.

As we have written so many times before, Israel will not stand idly by as its citizens are under constant attack. Israel reserves the right to defend itself from all armed attacks, as any other nation would, according to its inherent right under Article 51 of the Charter of the United Nations.

My delegation has repeatedly pressed the United Nations to denounce all acts of violence and terrorism, and condemn States that aid and abet terrorist groups, which is a violation of their obligations under international law, as well as Security Council resolutions. Yet the violence continues and nothing is done to end terrorism or support for it.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda items 17 and 18, and of the Security Council.

(*Signed*) Daniel **Carmon**
Ambassador
Chargé d'affaires a.i.

08-33464 (E) 120508

United Nations S/2008/312

Security Council

Distr.: General
9 May 2008

Original: English

## Letter dated 9 May 2008 from the Secretary-General to the President of the Security Council

I have the honour to refer to resolution 1807 (2008) concerning the Democratic Republic of the Congo, adopted on 31 March 2008, by which the Council requested me to extend, for a period expiring on 31 December 2008, the Group of Experts re-established pursuant to resolution 1771 (2007).

Accordingly, I wish to inform you that I have appointed the following persons to serve on the Group of Experts for a period ending on 31 December 2008.

Damien Callamand (France, arms expert)
Mouctar Kokouma Diallo (Guinea, customs expert)
Dinesh Mahtani (United Kingdom of Great Britain and Northern Ireland, finance expert)
Jason Stearns (United States of America, regional expert)
Jean-François Viens (Canada, aviation expert)

I have also selected Mr. Callamand to serve as Coordinator of the Group of Experts.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

08-33507 (E) 120508